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GENERAL LAWS  
OF THE  
STATE OF VERMONT  
RELATING TO  
DEPT. of EDUCATION



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# **GENERAL LAWS of 1918**

**OF THE**

## **STATE OF VERMONT**

**RELATING TO THE**

**Department of Education**

**With Amendments to 1922**



**Published by authority, 1921**

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# TITLE 11.

## PUBLIC INSTRUCTION.

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### PART I.

#### ADMINISTRATION.

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### CHAPTER 51.

#### STATE BOARD OF EDUCATION, COMMISSIONER OF EDUCATION, SUPERINTENDENTS AND SUPERVISORS.

##### State Board of Education.

SEC. 1169. How and when appointed; term of office; chairman. The state board of education shall consist of five persons. The members of the board first appointed shall hold office until the thirty-first day of January, nineteen hundred and sixteen, nineteen hundred and seventeen, nineteen hundred and eighteen, nineteen hundred and nineteen and nineteen hundred and twenty, respectively. The governor shall annually, on or before the fifteenth day of January, appoint one member of said board whose term of office shall be five years. The governor

shall annually, on or before the first day of February, designate a member of said board to be its chairman for the year beginning February first.

**SEC. 1170. Removal for cause.** The governor may, after notice and hearing, remove a member of said board for incompetency, failure to discharge his duties, malfeasance, immorality or other cause inimical to the welfare of the public schools; and, in case of such removal, he shall appoint a person to fill the unexpired term.

**SEC. 1171. Office; meetings.** The office of said board shall be the office of the commissioner of education. Said board shall annually hold at least four regular meetings and shall hold special meetings as required for the performance of its duties. The times and places for regular and special meetings shall be designated by the chairman of said board. Said chairman shall call a special meeting upon the written request of any two members.

**SEC. 1172. General powers and duties.** Said board shall have supervision and management of the public educational system, including the state schools of agriculture as provided in part eight of this title, except as otherwise provided; and, through the commissioner of education, shall:

I. See that the laws for the effective operation of schools are enforced;

II. Supervise the expenditure of all state money expended under the provisions of parts one and two of this title, and inspect all institutions in which or by which such money is used, and prepare a budget for such expenditure;

III. Provide a method whereby the people may be informed as to the educational conditions and opportunities within the scope of public instruction, and for such other educational publicity as may, in the judgment of said board, contribute to the enlightenment and well-being of the citizens of the state;

IV. Provide for all proper educational gatherings, institutes, summer schools and other like supplementary educational activities and for co-operation with the free public library commission;

V. Locate and establish without expense to the state a central normal school or school of education whenever suitable buildings, or adequate funds for the erection of the same, are provided by private gift or bequest;

VI. Receive and use money from private persons or from educational or benevolent funds either for individuals, local institutions or for schools in a supervision district or for general educational purposes, provided in its judgment such use is consistent with the best interests of the state; and

VII. Make and promulgate regulations necessary for the execution of its powers and duties and of the powers and duties of all officers under its supervision or control.

**SEC. 1173. Same.** Said board shall employ such inspectors, lecturers, clerical assistants, and other officers and may publish and distribute such books and circulars of educational information, as it deems proper.

**SEC. 1174. Reports; contents.** Said board shall biennially report to the general assembly, stating its official acts for the two years ending on the thirtieth day of June next preceding. Such report shall show in detail the condition and progress of all educational work, the expenditure of school money and moneys appropriated or given for educational purposes within its supervision and control, except the matter required to be reported by said board under the provisions of chapter seventy-two, and shall contain such recommendations as it deems proper.

### **Commissioner of Education.**

**SEC. 1175. Employment; qualifications; duties; term; salary; reports.** Said board shall employ a trained and skillful executive officer who shall have had special training and experience in educational work. Such person shall be the chief executive officer of said board and its secretary and shall be called the commissioner of education. Said commissioner shall be appointed for an indefinite term and shall be subject to removal upon the majority vote of the entire board, and said board shall fix his salary. Said commissioner shall, at such times and in such detail as said board directs, make reports to said board concerning the public educational system together with such recommendations as he deems proper for the promotion of the educational interests of the state.

### **Superintendents.**

**SEC. 1176. SEC. 1. Supervisory districts; superintendents; salaries.** The State Board of Education shall divide the State into a sufficient number of supervisory districts to insure a reasonable supervision of all public schools, shall fix the salaries of superintendents of such districts which shall be paid by the state, and may remove a superintendent whenever in the judgment of said board the welfare of the schools require.

**SEC. 2. Election of superintendents.** When a vacancy occurs in the office of superintendent of a supervisory district the commissioner of education shall forthwith submit to one of the school directors of the towns comprising such district whom he shall designate as chairman, a list of persons qualified to perform the duties of superintendent. Said commissioner shall also notify each school director of the towns comprising

such supervisory district to meet at the time and place designated by him for the purpose of electing a superintendent. Said directors shall meet at the appointed time and place and elect a superintendent by ballot from the list of qualified candidates submitted by the commissioner of education. A majority of those present and voting shall be necessary for a choice. The chairman of the meeting shall report the results of the election to the commissioner of education, and the state board of education shall employ as superintendent the person so elected.

**SEC. 3. Removal of superintendents.** When two or more school directors in a supervisory district file with the commissioner of education a complaint that the superintendent in their district is failing to perform properly the duties of his office, or is otherwise unsatisfactory, the commissioner shall, within fifteen days from the receipt of such notice call a meeting of the school directors of the supervisory district in the same manner as provided in the preceding section. At such meeting the directors shall vote on the following question:

"Shall the superintendent now in office be retained?"

If a majority vote in the negative, the chairman shall report the result of the vote to the commissioner of education and the term of office of the superintendent shall end three months after date of such vote; provided, however, that a vote on the removal of a superintendent shall not be taken more than once in a school year.

**SEC. 4. Districts having twenty-five or more schools.** The provisions of this act shall not apply to a town school district or an incorporated school district, having twenty-five or more legal schools therein, unless a majority of the board of school directors of such a district so vote and so certify to the state board of education.

### Reports.

**SEC. 1177. How and when made; contents.** Said superintendents shall report at least once a week to the commissioner of education, on blanks to be furnished by said commissioner, stating what schools have been visited during the week, the number of hours spent in each, the quality and kind of work being done by the teachers in such schools and such other facts as the commissioner may require. Said superintendents shall annually, on or before the fifth day of July, submit to the board of school directors of each district, a report of his services within such district, with information as to the condition and needs of the schools therein under his charge, and such report may be printed and distributed by said board.

**SEC. 1178. Districts having twenty-five or more schools.** The provisions of the second preceding section shall not apply to a town school district or an incorporated school

district, having twenty-five or more legal schools therein, unless a majority of the board of school directors of such a district so vote and so certify to the state board of education. The board of school directors in such a district, not so voting, unless otherwise provided by the act of incorporation in case of an incorporated school district, shall, at such time and in such manner as its by-laws provide, appoint a superintendent for such district who shall be under the general supervision of the state board of education and have the same powers and duties as superintendents appointed by said board. Said board of school directors shall fix the tenure of office of such a superintendent, have the power to remove him for cause, determine his salary which shall be paid by the district and shall certify the amount of such salary so determined to the state board of education, but such annual salary shall not be less than fifteen hundred dollars. The state shall pay such a district twelve hundred dollars annually, and annually an additional sum equal to half of the excess of such salary over fifteen hundred dollars; provided, however, that the state shall in no case pay to such a district more than two thousand dollars annually.\*

**SEC. 1179. Superintendents' meetings.** Said board shall provide for regional or state meetings of superintendents. All superintendents shall attend such meetings and shall be allowed their necessary expenses which shall be paid by the state.

**SEC. 1180. Regulations as to certain equipment.** The lanterns and slides belonging to the state for the use of superintendents, shall be kept in the state house when not in use and shall be in charge of the commissioner of education. Said commissioner may loan the same to superintendents who shall receipt therefor. Expenses incurred in obtaining and operating a lantern and slides shall be paid by the district in which such lantern and slides are used and such expenses shall be charged to the school account. Damage or loss incurred during the time such a lantern and slides are in a district shall be paid by the district on presentation by said commissioner of a statement of such damage or loss. Moneys received for such damage or loss shall be expended by said commissioner in repairing the apparatus and in purchasing new equipment.

### State Supervisors.

**SEC. 1181. Employment; compensation.** Said commissioner shall, subject to the approval of said board, employ such number of trained and capable state supervisors as said board may authorize, whose compensation shall be fixed by said board and paid by the state.

**SEC. 1182. Same; duties.** Said supervisors shall act under the direction of said commissioner and in such sections of

\*See Sec. 1176

the state as shall be designated by him, but their work shall not be restricted to any particular section and their field of oversight shall be frequently changed. Said supervisors shall, cooperating with the superintendent and supplementing his work, spend their time in the schools assisting the teachers and demonstrating proper methods of instruction. Said supervisors shall perform such other duties as said commissioner, subject to the approval of said board, may prescribe.

## CHAPTER 52.

### TOWN DISTRICT SCHOOLS.

#### Establishment.

**SEC. 1183. Definition.** A town shall constitute a school district, except that when a town contains an incorporated school district, the town district shall consist of that part of the town not embraced within such incorporated school district.

**SEC. 1184. Town to constitute district; town clerk's duties; school property.** The division of a town into school districts shall no longer exist, except for the settlement of their pecuniary affairs; and the town clerk, in case the offices of the clerk and prudential committee are vacant in such a district whose financial affairs are not settled, may warn a meeting of such district as a resident district clerk; and said clerk or one of the selectmen of the town shall attend such meeting and preside over the same until a moderator is elected; but all debts outstanding that have accrued against such a district for the purchase of lands, the erection of schoolhouses and repairs thereon shall be audited and paid by the town school district.

**SEC. 1185. Meetings; warnings therefor.** At town meetings, the town district school officers shall be elected and other matters pertaining to the schools of such district shall be transacted. When a town contains an incorporated school district, the meeting of the town school district shall be regularly held at such time and place as may be determined at any annual town school district meeting provided that the warning for such meeting shall contain an article in substantially the following form:

"Shall the town school district of ..... hold its annual meeting at ..... on ..... ?"

The annual meeting of such town school district shall be held at the time and place determined by the voters of the town school district. Warnings for town and town school district meetings shall contain appropriate articles notifying the legal voters of the town school district of the election of its officers and for the transaction of other business of such district.

**SEC. 1186. Qualifications of voters.** Only the legal voters in town meeting residing in a town district and whose taxes due such district, if any were due, were paid prior to the fifteenth day of February preceding the annual town meeting, shall vote in town meetings for the officers of, and upon matters pertaining to, the schools of such district.\*

**SEC. 1187. Directors elected by ballot, when.** In town districts having more than four thousand inhabitants, the school directors shall be voted for upon a separate ballot deposited in a separate ballot box.

**SEC. 1188. Women may vote and hold offices.** A woman, twenty-one years of age, whose list was taken in a town at the annual assessment preceding the town meeting and whose taxes due such town and the town school district were paid prior to the fifteenth day of February preceding such town meeting, or who has attained the age of twenty-one years subsequent to the last annual assessment, or who being taxable is exempt from taxation for any cause, shall, while residing in the town district, have the right to vote on matters pertaining to schools and school officers. Women, twenty-one years of age, shall have the same right as men to hold elective and appointive school offices.

#### Directors.

**SEC. 1189. Election by ballot; term.** Each town district shall have a board of school directors consisting of three citizens of the town district, one of whom shall be elected by ballot, at each annual meeting of the town except as otherwise provided,† and whose term of office shall be for three years, beginning the first day of July following, and until a successor is elected and qualified, and the provisions of sections three thousand nine hundred and thirty-nine and three thousand nine hundred and forty shall apply to such directors.

**SEC. 1190. Vacancies, how filled.** The selectmen may temporarily fill a vacancy in the board of school directors until an election is had, and a record thereof shall be made in the town clerk's office. Vacancies in such office may be filled at special town meetings by the town district voters.

**SEC. 1191. Oath; chairman.** Said directors shall be sworn, and shall annually, on or before the third day of July, elect one of their number chairman, and file a certificate of his election for record in the town clerk's office within five days.

**SEC. 1192. General duties.** The board of school directors shall have care of the school property of the town district and the management of its school and keep the schoolhouses suitably repaired and insured. Said board shall, subject to the provisions of this title, determine the number and location of schools and may relocate or consolidate the schools as the interest of convenience and efficiency may require; but in the exercise of

\*See Secs. 1188, 3916

†See Sec. 1185

such power, strict observance of the constitutional requirements as to competency in number and location shall be observed. Said board shall examine claims against the town district for school expenses and draw orders for such as shall be allowed by it, payable to the party entitled thereto. Such orders shall state definitely the purpose for which they are drawn. Said board shall make regulations not inconsistent with law as to carrying the powers granted it into effect.

**SEC. 1193. Compensation.** The compensation of school directors in payment for services rendered in the performance of their duties, which shall be paid by orders drawn by said board, shall be such sum as the town district votes at its annual meeting.

**SEC. 1194. Forfeiture for neglect.** If a board of school directors causes or allows a payment to be made, not authorized by law, each member thereof so causing or allowing such payment shall be liable to the town district for the money so paid, to be recovered in an action of tort, on this statute.

**SEC. 1195. Reports; district not entitled to school moneys unless made.** Said board shall annually, on or before the fifth day of July, prepare its report to the town district, containing, on forms prescribed and furnished by the state board of education, a classified statement under oath of the actual cash expenditures of the town district for the preceding school year for school purposes, and such other information as said board prescribes. Such report shall be prepared in duplicate and one copy of the same shall be returned to the town clerk and the other to said board of education. A town district shall not be entitled to receive any portion of school moneys distributed by the state unless such returns are made.

**SEC. 1196. Same; individual accounts audited; penalty.** On or before the first day of February annually said board shall prepare a record showing the number, date, to whom payable, for what and the amount of each order drawn by them, for the twelve months ending on the last day of January preceding, a classified statement of its expenditures for such period, a statement showing the number of elementary and high school pupils respectively, with the average amount expended for each such pupil and the cost of each separate school, a report of the conditions and needs of the schools and a recommendation as to the amount of money necessary to be appropriated for the use of schools for the following school year. Said board shall submit such records, statements, report and recommendation to the town auditors and said auditors shall audit the accounts of said board and include the substance of such record, statements, reports and recommendations in their report to the town. A director who neglects or refuses to have his own account as director or the account of said board audited as herein provided, shall not receive compensation for his services, and his office shall

become vacant and shall be filled in the manner prescribed for the filling of vacancies occurring in such office. Such a director shall be ineligible to election or appointment to such office for one year next ensuing.

### Clerk.

**SEC. 1197. Appointment; term.** Said board shall appoint a clerk, who shall serve until his successor is appointed and shall be paid upon the order of said board.

**SEC. 1198. Absence or disability of clerk.** In case of the absence, disability or neglect of the clerk, his duties shall be performed by said board.

**SEC. 1199. Duties of clerk.** Said clerk shall keep a permanent record of all proceedings of said board, and shall make such returns as the state board of education may require and on blank forms to be prescribed by said board.

### Truant Officers.

**SEC. 1200. Appointment; ex-officio officers.** The board of school directors shall annually appoint one or more truant officers and report such appointments to the town clerk for record on or before the third day of July. The sheriff, deputy sheriffs, constables and police officers shall also be truant officers ex-officio.

**SEC. 1201. Compensation** A person acting as a truant officer shall receive two dollars a day for time actually spent in the performance of his duties and shall be allowed his necessary expenses incurred in connection therewith, unless otherwise provided, and the same shall be paid by the town district on orders drawn by said board.

## PART II.

### TEACHERS.

CHAPTER 53.—Examination and certification.

CHAPTER 54.—Employment, compensation and contract.

CHAPTER 55.—Teacher training.

CHAPTER 56.—Pensions and teachers' retirement fund.

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### CHAPTER 53.

#### EXAMINATION AND CERTIFICATION.

##### State Board of Education.

**SEC. 1202. General regulations prescribed by.** The state board of education shall provide for the examination and certification of teachers, appoint times and places of examination, designate the examiners, fix the standard required for certification, classify the grades of certificates to be granted, prepare and procure the printing of questions for such examinations and blanks for teachers' certificates, and make all necessary regulations for such examination and certification and for the revocation of certificates, and all expenses connected with such examination and certification shall be paid by the state.

**SEC. 1203. Temporary provision as to term; revocation.** Certificates issued under the law in force March thirty-first, nineteen hundred and fifteen, shall be valid for the period and under the conditions provided by such laws, but the state board of education may revoke such a certificate at any time.

**SEC. 1204. Credentials granted by another state; reciprocal provision.** Said board shall make regulations relating to the recognition of teachers' certificates, diplomas and educational credentials granted in any other state, provided such other state shall, by substantially reciprocal regulations or laws, recognize such certificates, diplomas and educational credentials issued in this state.

##### Certificates Required.

**SEC. 1205. Age limit.** A person shall not teach in a public school without having a certificate then in force. A certificate shall not be issued to a person under seventeen years of age.

## CHAPTER 54.

### EMPLOYMENT, COMPENSATION AND CONTRACT.

#### Employment and Compensation.

**SEC. 1206. Directors' duties; minimum compensation; approval of superintendent.** The board of school directors shall employ teachers and fix their compensation, but in no case shall the compensation be less than eight dollars per week. A teacher shall not be employed without the approval of the superintendent except as herein provided. The school directors in cases of emergency or lack of legally qualified teachers may grant a permit to a person to teach in their town provided that such person is at least seventeen years of age, a high school graduate, of good moral character and passes, with a grade of at least seventy-five per cent, an examination on the subjects to be taught given by or under the direction of the directors, confirmed by the state board of education. The directors may pay the person preparing and holding the examination reasonable compensation therefor. A permit issued by the school directors under the provisions of this section shall be good for one term only but may be renewed from term to term in the discretion of the directors but in no case to exceed three terms.

**SEC. 1207. Teachers' salaries; payable monthly.** Said board shall make regulations as to the time and manner of the payment of teachers' salaries, including the amount to be paid by the state; but a teacher shall be entitled to receive monthly payment of salary, if such payment is demanded, notwithstanding any provision in such teacher's contract.

**SEC. 1208. Reimbursement by state.** Town districts employing teachers of rural schools, who are qualified as shall be prescribed by the state board of education, and paying said teachers such salaries in excess of eight dollars per week as said board shall designate, shall be reimbursed by the state such sums per teacher so employed as said board shall determine, but such reimbursement per teacher shall not be greater than the difference between the salary paid and eight dollars per week.

**SEC. 1209. Rural schools; definition.** The words "rural schools" as used in the preceding section shall mean any elementary school having not more than two teachers and offering instruction prescribed for the rural school course.

#### Contract.

**SEC. 1210. Requisites and contents.** A contract between a board of school directors and a teacher shall not be valid unless the same is in writing, or partly written and partly printed,

in triplicate, and signed by the chairman of said board and by the teacher. One copy thereof shall be filed with said board, one copy with the teacher and one copy with the superintendent. Such contract shall specify the date when the teacher shall begin service, the time, grade and date of expiration of the certificate held by the teacher, the salary of the teacher and such other matter as may be necessary for a complete understanding between the parties.

**SEC. 1211. Noncompliance with contract; penalty; dismissal; pro rata payment.** A teacher, under contract to teach in a public school, who, without just cause, fails to complete the term for which said teacher contracted to teach, shall be disqualified to teach in any public school for the remainder of the school year. A superintendent may dismiss a teacher who, in his judgment, is incompetent or unfit for the position. Such dismissal shall be in writing and one copy shall be given to the teacher and one to the chairman of the board of school directors; and thereupon such teacher's contract shall be void, but he shall be paid pro rata to the time of his dismissal.

### Time Allowed Teachers.

**SEC. 1212. For what purpose.** The time, not exceeding five days during any one year, actually spent by a teacher in attendance upon a meeting of the state teachers' association, or upon educational meetings held under the authority of the state board of education, and the time actually spent by a teacher in visiting schools when so directed by the superintendent, shall, in determining the compensation of the teacher and the number of weeks of school, be counted the same as if spent in teaching.

**SEC. 1213. Legal holidays; dismissal by permission of superintendent.** A teacher in a public school shall not be required to teach on a legal holiday, and the superintendent may give written permission to a teacher to dismiss school for not more than two days whenever such dismissal seems to said superintendent necessary or proper. Such days shall, in determining the compensation of the teacher and the number of weeks of school, be counted the same as if spent in teaching.

### No. 1, Acts of 1921. Legal Holidays.

(Section 35 of General Laws Amended.)

See. 35. The first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the sixteenth day of August, the first Monday in September, the twelfth day of October, the eleventh day of November, the twenty fifth day of December, and a day appointed or set apart by the governor or by the president of the United States as a day of

thanksgiving, prayer or other special observance, shall be legal holidays. The sixteenth day of August shall be known as "Bennington Battle day", the first Monday in September as "Labor day", the twelfth day of October as "Columbus day" and the eleventh day of November as "Armistice day".

## CHAPTER 55.

### TEACHER TRAINING.

#### Duties of the State Board of Education.

**SEC. 1214.** For the purpose of training teachers for the public elementary schools, including both rural and graded schools, the state board of education in its discretion may establish not more than five nor less than three two year teacher training courses, and also may establish in connection with high schools, seminaries and academies one year teacher training courses. Said board may arrange for such practice departments in connection with the courses established by this act as may be necessary, and may, except as otherwise provided, increase or decrease the number of such one or two year teacher training courses whenever the interests of teacher training so require. The qualifications for admission to a one year teacher training course provided for by this act shall be fixed by said board, and shall be the same for all pupils who are enrolled in such a one year teacher training course.

**SEC. 1215.** Said board shall prepare the courses of study to be given in such training courses, make rules governing admission thereto, prescribe the standards requisite for graduation therefrom and provide as to the effect to be given to such graduation as a basis for certificates to teach in the public schools; provided, however, that the qualifications for admission to a one year teacher training course provided for by this act shall be fixed by said board, and shall be the same for all pupils who are enrolled in such a one year teacher training course.

Sec. 3. Section 1216 of the General Laws is hereby amended so as to read as follows:

**SEC. 1216.** A person desiring instruction in such teacher training course shall, if qualified for admission, be furnished such instruction without payment of tuition, providing such person declares in writing to the state board of education an intention to complete such course and makes an agreement to teach in the public schools of this state for a subsequent period equal to the duration of such course of study; and said board shall make regulations relating to the designation of the particular course to which said person shall be admitted.

Sec. 4. The state board of education is hereby authorized to contract or arrange with local school boards or trustees for the use of facilities by such teacher training courses, not to exceed in expenditure in any case the actual additional annual cost incurred therefor by said school boards or trustees; or said state board may provide such facilities, if the interests of the state can be better served thereby.

Sec. 5. A person who has satisfactorily completed a one year teacher training course provided for by this act shall be entitled to a probationary certificate qualifying the holder for appointment to teach in the elementary schools for one year only, and such certificate may be renewable annually at the discretion of the board.

Sec. 6. Whenever a teacher in the elementary schools or a candidate for teaching in such schools, applies in writing to the state board of education for more advanced training than is furnished by the teacher training courses, and satisfies said board of his or her worthiness for such advanced training, said board shall arrange for such training at any institution of higher learning within this state chosen by the student as it may deem proper; and said board is hereby authorized to contract or arrange with any such institution for the payment of tuition of such student, or the establishment of special courses for such advanced training, in such manner as shall best serve the interests of the state; providing, however, that not more than one-fifth of all money expended for teacher training annually shall be devoted to such advanced training.

**SEC. 1217. Teachers; compensation.** Said board shall employ the teachers for such training courses and fix their compensation which shall be paid by the state.

## CHAPTER 56.

### PENSIONS AND TEACHERS' RETIREMENT FUND.

#### Pensions.

**SEC. 1218. District may pension teacher; payable from school funds of district.** On the recommendation of the board of school directors, a town district may, at its annual meeting or at a special meeting called for that purpose, vote to pension a teacher who has taught in the public schools for at least thirty years. Such pension shall be paid from the funds raised by such district for school purposes.

**SEC. 1219. Same; limitation.** A pension voted under the provisions of the preceding section shall not exceed half of the average annual salary received by such teacher during his last five years of service.

## **Vermont Teachers' Retirement System.**

No. 57, Acts of 1919, (Replacing Sections 1220-1231).

**Section 1. Definitions.** The following words and phrases as used in this act shall have the following meanings:

(1) "Teacher" shall mean any teacher, principal, supervisor or superintendent employed in a public day school within the state, or in any normal school, teacher training institution or school conducted under the director of institutions located within the state and controlled and supported wholly by the state.

(2) "Public school" shall mean any day school conducted within the state under the authority and supervision of a duly elected board of school directors.

(3) "Year" as used in this act referring to the term for school service of a teacher shall mean the same as "school year", as defined in the General Laws of the state at the time when the school service in question was rendered, provided, however, that the retirement board may in special cases determine what school service shall constitute the equivalent of a specified period of service under this act.

(4) "Interest," unless herein otherwise provided, shall mean compound interest at such rate as shall be determined by the retirement board.

(5) Wherever the word "he" appears it shall be taken to apply to females as well as males.

**Sec. 2. Teachers' retirement system.** The Vermont teachers' retirement system, hereinafter called the retirement system, is hereby established, to become effective on July first, nineteen hundred and nineteen.

**Sec. 3. Teachers' retirement association.** An association to be known as the Vermont teachers' retirement association, hereinafter called the retirement association, may be organized by and among the teachers in the public schools of the state. Membership in said association may be acquired under the following conditions:

All teachers who shall serve in the public schools on or after July first, nineteen hundred and nineteen, may become members of the association, upon application to and approval by a majority of the retirement board and under such rules and regulations as it may prescribe.

**Sec. 4. Organization.** The teachers who desire to become members of the retirement association shall, as soon as may be after July first, nineteen hundred and nineteen, adopt such form of organization for said association as shall be prescribed by the commissioner of education, the state treasurer and the insurance commissioner; and thereafter such organization shall be maintained for the purposes herein contemplated, with such modifications thereof as may be adopted from time to time by the members of the association with the approval of the retirement board.

**Sec. 5. Teachers' retirement board.** The administration of the retirement system hereby established is hereby vested in a board to be known as the teachers' retirement board, herein called the retirement board, consisting of five members, as follows: The commissioner of education, the state treasurer, the insurance commissioner and two members of the retirement association. Upon the organization of said association the members thereof shall elect from among their number, in a manner to be approved by the commissioner of education, the state treasurer and the insurance commissioner, two persons to serve upon the retirement board, one member to serve for one year and one for two years; and thereafter the members of the retirement association shall elect annually from among their number, in a manner to be approved by the retirement board, one person to serve on said board for the term of two years.

Until the organization of the retirement association and the election of two representatives therefrom to membership on the retirement board, the commissioner of education, the state treasurer and the insurance commissioner shall be empowered to perform all the duties of said board.

When a vacancy occurs in the retirement board by reason of the death, resignation or inability to serve of one of the members chosen by the retirement association, such vacancy shall be filled by the retirement board, who shall appoint a member of said retirement association to serve until the next meeting of said retirement association duly called for the purpose of electing a new member for the unexpired term.

The members of the retirement board shall serve without compensation, but they shall be reimbursed for all necessary expenses which they may sustain through their service on the board. All claims for such reimbursement shall be subject to the approval of the auditor of accounts.

**Sec. 6. General duties.** The retirement board shall provide for the payment of retirement allowances and such other expenditures as are prescribed by this act, and shall perform such other functions as are required for the execution of the provisions hereof; and to that end said board shall make by-laws and regulations not inconsistent with the provisions of this act, shall employ a secretary, whose duty it shall be to keep a record of all its proceedings, and shall provide such other clerical assistance as may be necessary for the discharge of the duties prescribed hereunder.

**Sec. 7. Administrative duties.** The retirement board shall adopt mortality tables for the retirement system hereby created, and, except as herein otherwise provided, shall determine what rates of interest shall be established in connection with such tables or otherwise under the provisions hereof. Said board may modify such mortality tables or adopt others, and

may change rates of interest once established, unless otherwise provided herein, but not so as to impair the vested rights hereunder of any member of the retirement association, unless such modifications or changes shall be assented to by such member. Said board shall establish and maintain, under competent actuarial advice, a complete system of records and accounting.

**Sec. 8. Creation of annuity fund.** The annuities hereinafter provided shall be paid out of a fund to be known as the annuity fund, which shall be constituted as follows:

(1) Each member of the retirement association shall pay into the annuity fund, under regulations to be prescribed by the retirement board, such percentage of his salary as may be determined by said board within the limits hereinafter prescribed. The rate of assessment for each school year, which shall not be more than five per cent of each member's salary, shall be established by the retirement board on or before the 1st day of April in each year, and notice thereof shall be given all members of the retirement association in such manner as the retirement board shall prescribe. Such rate of assessment shall be uniform, at any given time, for all members of the retirement association; provided, however, that no member shall in any one year pay into said fund less than sixteen dollars nor more than one hundred dollars.

(2) Any member of the retirement association, who for thirty years shall have paid into said fund his regular assessments, as above provided, shall be exempt from further assessments; but such member may thereafter, if he so elects, continue to pay his assessments into said fund.

(3) The annuity fund shall also consist of such amounts as may be appropriated from time to time by the general assembly on estimates submitted by the retirement board, subject to approval by the board of control, as hereinafter provided. Such estimates shall provide for an appropriation sufficient to enable the board to credit annually to each member of the retirement association a sum equal to his contribution to the annuity fund and the additional allowance provided in section thirteen of this act. Provided, however, that the state shall not be called upon to pay into said annuity fund more than one hundred dollars in any year on account of the contribution of any one member of said retirement association. Such amount of the annual appropriation as is not required for contributions to the accounts of individual members as provided in this section shall be paid into the annuity fund. The total amount appropriated by the state in any one year to carry out the provisions of this act shall not exceed the sum of twenty-five thousand dollars.

**Sec. 9. Contributions; how credited.** The contributions made by the members of the retirement association to the annuity fund hereinbefore created, shall be credited as made to

such members severally in individual accounts up to the time of retirement, and at the same time each member so contributing shall be credited individually with a like amount as the contribution of the state. Contributing members shall also be credited with the interest earned by their several contributions and by the equal contributions made by the state as aforesaid.

**Sec. 10. Retirement.** Any member of the retirement association, who shall have served as a public school teacher for a period of thirty years, of which twenty years, and the last five preceding retirement, shall have been in this state, may retire from service, in the public schools on or after attaining the age of sixty years, if a woman, and of sixty-five years, if a man, without forfeiting any of the benefits of the retirement system; and at any time thereafter, if incapable of rendering satisfactory service, such member may be so retired, with the approval of the retirement board.

**Sec. 11. Reinstate ment of member.** Any member of the retirement association, who shall have withdrawn from service in the public schools of the state, shall, on being reemployed therein, be reinstated in the retirement association upon such terms and conditions as shall be prescribed by the retirement board.

**Sec. 12. Retirement allowances.** Except as hereinafter provided, a member of the retirement association, who shall have retired from service in the public schools of the state, and who shall have complied with all the provisions of this act and with the rules and regulations of the retirement board hereby authorized, shall be entitled to receive from the annuity fund hereinbefore established, (1) such annuity as his contributions to said fund, with interest thereon, together with the like contributions made thereto by the state, and the interest thereon, will purchase on the basis of McClintonck's table of mortality among annuitants, and an interest rate of three and a half per cent per annum; or, (2) at his option, he shall be entitled to receive an annuity of less amount, as may be determined by the retirement board for annuitants electing such option, with the provision that if the annuitant dies before receiving payments equal to the sum of his assessments hereunder and the contributions equal thereto made by the state, as hereinbefore provided, with interest, the difference between the total amount of said payments and the total amount of such assessments and contributions, with interest, shall be paid as an annuity to a surviving husband, or wife, as the case may be, or to his or her legal representatives as such member may elect, subject to such reasonable rules and regulations as the retirement board may prescribe.

**Sec. 13. Teachers already in service.** Any teacher already in the service of the state when this act takes effect, who

shall become a member of the retirement association when forty-five years of age or older, shall on retiring as hereinbefore provided, be entitled to receive the allowance prescribed in the preceding section for members entering the service of the state as teachers after the passage of this act, and such additional allowance from the state as may be determined by the retirement board, the same to be paid as provided in the preceding section; but his total annuity hereunder shall not exceed one-half his average annual salary throughout his entire period of active service in the state.

**Sec. 14. Allowance in case of death or disability.** A member of the retirement association, who shall have been a teacher in the public schools of the state at least six years, and who shall become totally and permanently disabled to teach, as determined upon examination by physicians approved by the retirement board, shall receive an annuity based upon the accumulated sum of his contributions and the equal contributions of the state, with interest, calculated on the basis of McClintock's table of mortality among annuitants and three and a half per cent interest, with such additional annual allowance from the state as the retirement board, in the exercise of sound discretion, shall deem equitable, the same being limited by his earning capacity in other occupations, such additional allowance to be continued so long, and in such amount, as the retirement board may determine; provided, however, that in no event shall the total sum received annually by such member, under this section, including his annuity and the additional allowance above provided for, exceed half of his average annual salary through out his entire period of service as determined by the retirement board.

If such retiring member should die before receiving in the form of an annuity all of the accumulations up to the time of his disability from his own and the state's annual contributions on his account, the balance shall be paid to his or her legal representatives, as he or she may elect, subject to such rules and regulations as may be prescribed by the retirement board.

**Sec. 15. Allowance in case of resignation or dismissal.**

(1) Any member of the retirement association withdrawing from service in the public schools of the state, by resignation or dismissal, before becoming eligible to retirement under the provisions of this act, and who shall have been a member of the association less than six years, shall be entitled to receive from the annuity fund all amounts contributed thereto by said member as assessments with interest at four per cent compounded semi-annually on January first and July first, but if at the time of such withdrawal such member shall have been a member of the association for six years or more, he shall be entitled to receive from the annuity fund all amounts contributed thereto by him as assessments without interest, and in addition the contributions

made by the state on his account, as hereinbefore provided, without interest.

(2) In case of the death of such member under the circumstances above set forth, the several amounts to which he would be entitled, if living, shall be paid to a surviving husband or wife, or to the legal representatives of such deceased member, as may be elected, subject to the rules and regulations of the retirement board.

(3) In the case of the death or withdrawal from service of such member before the completion of six years of service in the public schools of the state the contributions made by the state on his account, as hereinbefore provided, shall be placed in the reserve fund hereinafter established, for the general purposes of the retirement system.

(4) Contributions returned as above provided shall be paid in lump sums or in installments as the member may elect, subject, however, to such reasonable rules and regulations as may be prescribed by the retirement board.

**Sec. 16. Exemptions.** That portion of the salary or wages of a member deducted or to be deducted under this act, the right of a member to an annuity or allowance hereunder, and all his rights in the funds of the retirement system, shall be exempt from taxation, and from the operation of any laws relating to bankruptcy or insolvency, and shall not be attached or taken upon execution or other process of any court. No assignment by a member of any part of such funds to which he is or may be entitled, or of any right to or interest in such funds, shall be valid.

**Sec. 17. Administration of funds.** (1) All funds of the retirement system shall be in the custody and charge of the state treasurer, who shall, with the approval of the retirement board, invest and reinvest such funds as are not required for current disbursements in accordance with the laws of the state governing the investment of the assets of savings institutions.

(2) The state treasurer shall make such payments to the members of the retirement association from the annuity fund as the retirement board shall order to be paid in accordance with the provisions hereof.

(3) On or before the first day of August in each year, the state treasurer shall file with the insurance commissioner and with the secretary of the retirement board a sworn statement exhibiting the financial condition of the retirement system on the thirtieth day of June in each year, and its financial transactions for the year ending on such date. Such statement shall be in the form prescribed by the retirement board, and shall be published with the report of the state treasurer.

**Sec. 18. Reserve fund.** A reserve fund is hereby created, to consist of gifts and receipts from sources other than those here-

in specified, returns to the state of its contributions to the annuity fund as hereinbefore provided, and balances that may accrue on account of interest, savings or otherwise, which fund shall be maintained and used, in the discretion of the retirement board, for unforeseen contingencies, expenses of administration, or any other purpose within the scope of the retirement system.

**Sec. 19. Accrued liabilities fund.** An accrued liabilities fund is hereby created, to consist of the Vermont state teachers' retirement fund, now in the custody of the state treasurer under the provisions of sections 1220 to 1231, inclusive, of the General Laws, of such part of the reserve fund as the retirement board may from time to time transfer thereto, and of such other funds as may be received by the retirement board for the purposes contemplated in this section. Provided, however, that said Vermont teachers' retirement fund shall not become part of the funds of the retirement system as contemplated in this section except upon a vote to that effect of the Vermont state teachers' retirement fund association, duly certified to the retirement board by the president of said association. The accrued liabilities fund shall be drawn upon from time to time by the retirement board as needed to make up the contributions of the state to the retiring and disability allowances provided hereunder. Said fund shall be in all respects subject to the provisions of this act, and to the rules and regulations of the retirement board hereby authorized in respect to custody, investment, audit and disbursement.

**Sec. 20. Supervision of retirement system.** The retirement board shall cause the system hereby established to be thoroughly examined by a competent actuary or actuaries, once in every three years, and oftener if deemed necessary, and may call an actuary in consultation at any time; and such board is hereby empowered to change the scale of contributions required of teachers, if deemed advisable as the result of actuarial experience hereunder; but such changes shall not be effective as to teachers becoming members of the retirement association before the same shall have been made, unless assented to by such members.

**Sec. 21. Audit of accounts.** The accounts of the retirement board and the books and accounts of the state treasurer as custodian of the funds of the retirement system, and the cash and securities in his hands representing such funds, shall be examined and audited annually at the time and in the manner prescribed for the annual audit of the accounts of the trustees of the permanent school fund and the accounts of the state treasurer in connection therewith.

**Sec. 22. Appropriation.** The sum of twenty-five thousand dollars per annum is hereby appropriated to carry out the provisions of this act for the biennial period beginning July 1, 1921.

**Sec. 23. Changes in rules and regulations.** The rules and regulations hereby prescribed for the administration of the retirement system hereby created, shall be subject to change by the retirement board whenever deemed to be for the best interests of the entire body of teachers in the service of the state. The benefits of the retirement system shall be enjoyed by each member of the retirement association so long as he meets all the requirements of this act and complies with all the rules and regulations of the retirement board.

**Sec. 24. Sections of General Laws repealed.** Sections one thousand two hundred and twenty to one thousand two hundred and thirty-one, inclusive, of the General Laws are hereby repealed; provided, however, that those provisions of said sections relating to the custody and control of the Vermont state teachers' retirement fund referred to in section twenty of this act shall continue in force until the transfer of said fund to the retirement system as hereinbefore provided.

**Sec. 25.** This act shall take effect from its passage.

Approved April 8, 1919.

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### PART III.

#### PUBLIC SCHOOLS.

CHAPTER 57.—Establishment and courses.

CHAPTER 58.—School year, attendance, discipline.

CHAPTER 59.—Transportation and board of pupils.

CHAPTER 60.—Instruction for advanced pupils in secondary schools.

CHAPTER 61.—Junior and senior high schools.

CHAPTER 61A.—Unorganized towns and gores.

CHAPTER 62.—Federal aid for vocational education.

CHAPTER 63.—Registers and returns.

CHAPTER 64.—Medical inspection.

CHAPTER 65.—Testing sight and hearing.

CHAPTER 66.—Fire drills.

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### CHAPTER 57.

#### ESTABLISHMENT AND COURSES.

##### Number, Location, Classification and Courses.

**SEC. 1232. Competent number; petition; state aid.** Each town district shall have a competent number of elementary

schools and of such character and so located as to furnish adequate, reasonable and convenient opportunity for instruction of pupils. When three or more residents of any community having five or more pupils petition the school directors of a town for the establishment of a school in such community, such school directors shall forthwith confer with the commissioner of education, who shall advise with them as to the necessity of such school. If, in the judgment of the school directors, such school should be established, they shall as soon as possible provide the same and the commissioner of education shall give them such aid in locating, establishing and equipping such school as he may deem proper.

**SEC. 1233. Classification.** The public schools are hereby divided into kindergartens, elementary schools and secondary schools.

**SEC. 1234. Kindergarten defined; establishment.** Kindergartens shall mean schools into which children under six years of age may be received. Such schools may be established by the board of school directors and at the expense of the town district.

**SEC. 1235. Elementary and secondary schools, defined.** A school offering instruction in the rural school course or the elementary school course as promulgated, from time to time, by the state board of education, shall be considered an elementary school. A school offering instruction for advanced pupils as hereinafter provided, shall be considered a secondary school.

**SEC. 1236. Evening schools; status.** A town district may maintain one or more evening schools for persons above the compulsory school age, and such schools shall be considered public schools.

### Courses.

**SEC. 1237. Board to prescribe and promulgate; rural school course and elementary school course defined; subjects to be included.** The state board of education shall prescribe and promulgate uniform courses of study for elementary schools, as follows:

A six-year course which shall be known as the rural school course and adapted to the needs of pupils between the ages of six and twelve years.

An eight-year course which shall be known as the elementary school course and adapted to the needs of pupils between the ages of six and fourteen years, and the first six years of such course shall be the same as the rural school course.

Such courses shall include instruction in good behavior, citizenship, reading, writing, spelling, English grammar, geogra-

phy, arithmetic, freehand drawing, the history and constitution of the United States, elementary physiology and hygiene, with special reference to the effect of alcoholic drinks and narcotics on the human system, and shall also include special instruction in the geography, history, constitution and principles of government of Vermont, and such other subjects including manual training and domestic science as said board, from time to time, deems appropriate to the needs of the pupils.

**SEC. 1238. Supplementary reader.** The supplementary reader on the agricultural, industrial and other resources of state, published by the state, shall be used in such grades of the public schools as the commissioner of education shall determine. Such readers shall be supplied for the use of such schools as said commissioner shall direct. Such readers so furnished shall remain the property of the state. Readers not in use in any school, shall, on the order of said commissioner and in such manner as he shall direct, be sent for use in such schools as said commissioner may order.

**SEC. 1239. Special Courses.** The board of school directors may provide for instruction in vocal music, physical culture and drawing by the regular teacher or teachers, or by a teacher or teachers employed for such purpose.

**SEC. 1240. Pre-memorial exercises.** The last half day's session of the public schools before Memorial day shall be devoted to exercises commemorative of the history of the nation during the War of the Rebellion and to patriotic instruction in the principles of liberty and the equal rights of man.

**SEC. 1241. Lincoln's birthday.** Exercises in commemoration of the birth, life and services of Abraham Lincoln shall be conducted in all public, private and parochial schools on the twelfth day of February annually, and if such date is not a school day, such exercises shall be conducted on the last school day before such date.

## CHAPTER 58.

### SCHOOL YEAR, ATTENDANCE, DISCIPLINE.

#### School Year.

**SEC. 1242. Commencement and close; general regulations.** The school year shall commence on the first day of July and end on the last day of June following. Every public school, other than secondary schools, shall be maintained for at least thirty-four weeks in each school year, and every secondary school for at least thirty-six weeks in each school year. The board of school directors shall make regulations dividing the aforesaid weeks into terms by way of weeks and fix the number of

hours that shall constitute a school day and the number of days that shall constitute a school week, subject to change upon the order of the state board of education. If a public school is closed by reason of the prevalence of any contagious disease, or by the order of said board with the approval of the superintendent having supervision of such school, the time during which such school is closed shall be counted in determining whether such school has been maintained for the requisite number of weeks during that school year.

#### • Attendance.

**SEC. 1243. Legal pupil defined.** The words "legal pupil" shall mean every child between the ages of six and eighteen years and every child who will become six years of age on or before the first day of January next following the beginning of the school year, but a person who has become eighteen years of age shall not be deprived of public school advantages on account of age. Except as herein provided, a child who is not a legal pupil shall not be received into a public school, except a kindergarten, without the consent of the superintendent of such school, and a child under eight years of age shall not be received into a public school, except a kindergarten, after the beginning of the fall term without the consent of the superintendent of such school.

**SEC. 1244. Between, construed.** The word "between" as used in this title in respect to a specified age of a pupil, shall mean the period of time commencing on the birthday of such child when he becomes of the age first specified and ending on the day next preceding the birthday of such child when he becomes of the age last specified.

**SEC. 1245. Residence defined; appeal to commissioner.** For the purposes of this title, the residence of a pupil is where the person having control of him resides and the board of school directors shall determine such residence; but any interested person or taxpayer who is dissatisfied with the decision of said board as to such pupil's residence may appeal to the commissioner of education, who shall determine such residence and his decision shall be final; provided, however, that the provisions of this section shall not affect the ultimate liability of a town under section one thousand two hundred and sixty-one.

**SEC. 1246. Non-resident pupils.** Said board may receive into the schools under its charge non-resident pupils, under such terms and restrictions as it deems best, and money received for the instruction of such pupils shall be paid into the school fund of the district.

**SEC. 1247. Same.** A person having the control of a pupil residing in the vicinity of a school in an adjoining town district, if such pupil can be better accommodated in such school, may demand the privileges of the same for such pupil. The tuition

for such pupil shall be paid from the school money of the district in which such pupil is a resident; provided, however, if the parent of such pupil is a taxpayer in such adjoining district, each district shall pay such portion of the tuition as the tax paid by the parent in each district bears to the total tax paid by said parent in both districts. The tuition paid, however, shall not be greater than the cost per pupil per week for the maintenance of such school, but in no case shall it exceed one dollar and fifty cents per week.

**SEC. 1248. List of legal pupils.** The clerk of the board of school directors shall annually, between the first and fifteenth day of August, prepare on forms to be prescribed by the state board of education, an accurate list containing the name and date of birth of each legal pupil residing in the town district, the name of the parent or other person having control of such pupil and such other facts as said board may prescribe. Said clerk shall keep such list on file and make such report therefrom as said board may require. Upon presentation of a certificate of the superintendent who has supervision of the schools of such district, that such list has been prepared as required by this section, said clerk shall be paid by the town district for preparing such list, six cents for each pupil named in such list.

**SEC. 1249. Penalty.** A person having control of a child between the ages of six and eighteen years who refuses to give said clerk information as to the age of such child, or falsely states the same, shall be fined not more than twenty dollars.

**SEC. 1250. List furnished to board; duties of board.** Immediately upon completion of the list mentioned in the second preceding section, said clerk shall furnish the board of school directors with a list of the legal pupils in the town district, with names in alphabetical order and the date of birth of each pupil. Before the opening day of the fall term, said board shall, subject to the approval of said superintendent, designate the school each pupil shall attend during the ensuing school year, and shall furnish said superintendent with a list of such pupils, with names in alphabetical order, the date of birth of and the school designated for each pupil. Said board shall also, at the same time, furnish the teacher of the school so designated with a list of the pupils required to attend such school during the ensuing school year, together with the date of birth of each pupil. Said teacher shall inscribe on the sheet in the register of such school the names and dates of births so furnished. Said board may, at any time, with the consent of the superintendent, designate a different school for a pupil to attend. Said board shall, when necessary, designate, with the consent of said superintendent, the school to be attended by a legal pupil not included in such list and by a person who has become eighteen years of age. If said board designates a different school to be attended by a pupil or designates a school to be attended by a person not included in such

list, it shall notify the teacher of the school in which such pupil is to be enrolled and furnish said teacher with the name of the pupil and the date of his birth, and shall, in case of a change in schools, notify the teacher of the school in which such pupil was enrolled that such pupil is no longer required to attend such school, and said teachers shall correct their registers accordingly.

**SEC. 1251. Attendance may be excused.** The superintendent of a public school may, in writing, excuse any pupil from attendance upon such school for a definite time but for not more than ten consecutive school days, and such excuse shall be granted only for emergencies or for absence from town.

**SEC. 1252. Same.** The superintendent of an elementary school held for more than one hundred and seventy school days in a school year, may, in writing, excuse any pupil of such school from attending more than such one hundred and seventy days.

**SEC. 1253. Same.** The superintendent may, in writing, excuse a pupil who has reached the age of fifteen years and has completed the work required in the rural school course, from further school attendance if his services are needed for the support of those dependent upon him, or for any other sufficient reason.

**SEC. 1254. Legal pupils to attend school.** A person having the control of a child between the ages of eight and sixteen years shall, unless such child is mentally or physically unable so to attend or is otherwise being furnished with the same education or has completed the elementary school course or the rural school course and the first two years of the junior or senior high school course or is excused by the superintendent or a school director as provided in this chapter, cause such child to attend a public school continuously for the full number of days for which such school is held.

**SEC. 1255. Pupil over age, after enrollment.** A person having the control of a child over sixteen years of age who allows such child to become enrolled in a public school, shall cause such child to attend such school continuously for the full number of the school days of the term in which he is so enrolled, unless such child is mentally or physically unable to continue, or is excused in writing by the superintendent or a school director; and in case of such enrollment, such person, and the teacher, child, superintendent and school directors shall be under the laws and subject to the penalties relating to the attendance of children between the ages of eight and sixteen years.

**SEC. 1256. Notice of non-attendance.** If a pupil between the ages of eight and sixteen years, who is not excused or exempted from school attendance, fails to enter school at the beginning thereof, or being enrolled, fails to attend the same, and if a pupil who has become sixteen years of age becomes enrolled in a public school and fails to attend, the teacher shall forthwith no-

tify the superintendent or school directors, and the truant officer unless said teacher is satisfied upon information that the pupil is absent on account of sickness.

**SEC. 1257. Exception.** The provisions of the two preceding sections in respect to school directors, their powers and duties, shall not apply to school directors in a town or city having twenty-five or more legal schools.

### Duties of Truant Officer and Superintendent.

**SEC. 1258. Notice by truant officer; penalty.** Said truant officer shall, upon receiving the notice provided in the second preceding section, forthwith inquire into the cause of the child's non-attendance; and, if he finds that the child is absent without cause, he shall give written notice to the person having the control of such child that such child is absent from school without cause, and he shall also notify said person to cause such child to attend school regularly thereafter. If, after receiving such notice, said person fails, without legal excuse, to cause such child to attend school as required by this chapter, he shall be fined not more than twenty-five dollars nor less than five dollars; and the truant officer shall forthwith enter a complaint to the town grand juror of the town in which said person resides, or to the state's attorney of the county, and shall furnish him with a statement of the evidence upon which such complaint is based, and said grand juror or state's attorney shall prosecute said person. In such prosecution, the complaint, information or indictment shall be deemed sufficient if it states that the respondent, (naming him) having the control of a child of school age, (naming him) neglects to send such child to school as required by law.

**SEC. 1259. Legal pupil taken to school.** A superintendent may and the truant officer shall stop a child between the ages of eight and sixteen years or a child sixteen years of age or over and enrolled in a public school, wherever found during school hours, and shall, unless such child is excused or exempted from school attendance, take him to the school which he should attend.

**SEC. 1260. Pupils, mentally or physically unfit.** If a person having the control of a pupil represents to the superintendent having supervision of the school which such child should attend, that such child is mentally or physically unable to attend school, and if said superintendent has reason to believe that such representation is untrue, he shall investigate and, if he deems it advisable, shall request the health officer of the town or a competent physician to examine such child, but if there is a medical inspector in the district in which such school is located, said superintendent shall request such inspector to examine such child. Said officer, physician or inspector shall examine the child and

make a report of his condition to said superintendent; and said superintendent shall, if the child is found mentally or physically unable to attend school, notify the teacher of such school and the truant officer of the town of such fact. The expense of such examination shall be paid from the school funds of the town district.

**SEC. 1261. Overseer of poor to be notified.** If a person having the control of a legal pupil notifies said superintendent that he is unable to provide such pupil with suitable clothing for school attendance, and if, upon investigation, said superintendent is satisfied that such pupil does not have suitable clothing and that such person is unable to provide such clothing, said superintendent shall notify the overseer of the poor of the town in which such person resides, who shall at once provide suitable clothing for such pupil; and the town so furnishing the same may recover the expense thereof from the town chargeable with such child's support as is provided in chapter one hundred and eighty-two.

**SEC. 1262. Jurisdiction of non-residents.** The superintendent of a school in which a non-resident pupil is enrolled and a truant officer having jurisdiction of the pupils in such school, shall have the same authority and jurisdiction over such non-resident pupil and the person having the control of such pupil as they have over resident pupils and the persons having control of such pupils.

### **Discipline.**

**SEC. 1263. Corporal punishment.** A teacher or a principal of a school, or a superintendent or a school director on request of and in the presence of the teacher, may resort to any reasonable form of punishment, including corporal punishment, and to any reasonable degree, for the purpose of securing obedience on the part of any child enrolled in such school, or for his correction, or for the purpose of securing or maintaining order in and control of such school.

**SEC. 1264. Dismissal of undesirable.** A superintendent may, after consulting the local health officer, or if there is a medical inspector, with such inspector, and with the consent of a majority of the board of school directors, dismiss from school any pupil whose personal habits, infirmities or influence is such as to make the presence of such pupil harmful to the welfare of the school.

**SEC. 1265. Secret societies.** A pupil enrolled in a public school shall not join or solicit any other pupil of such school to join any secret fraternity, club or society, whose membership is formed in whole or in part from the pupils attending such school, or take part in the organization, formation or continuation of any such fraternity, club or society, except such as are

sanctioned by the commissioner of education and the superintendent having charge of such school, after an impartial investigation of the nature of such organization. In the course of such investigation, the members of any such existing or proposed organization shall be given full opportunity to be heard, either in person or by deputy. The superintendent, pursuant to regulations which shall be made by the state board of education, shall have power to suspend or dismiss any pupil, or to prevent any pupil from graduating or participating in school honors, if, upon investigation had after notice to the pupil, such superintendent finds him guilty of violating a provision of this section. The provisions of this section shall not apply to membership in temperance or religious societies or associations of any kind, nor to societies or associations which have been or may be established for the moral advancement of youth.

### **Penalties.**

**SEC. 1266. Truancy.** A pupil enrolled in a public school who is guilty of wilful, continued and incorrigible truancy, or moral delinquency, may be sentenced to the Vermont industrial school for a period of not less than thirty-six weeks.

**SEC. 1267. Penalty for neglect.** A superintendent, truant officer or an overseer of the poor who refuses or neglects to carry out the provisions of this chapter, shall be fined not more than one hundred dollars.

**SEC. 1268. Teacher.** A teacher who violates a provision of this chapter shall be fined not more than twenty-five dollars nor less than five dollars.

## **CHAPTER 59.**

### **TRANSPORTATION AND BOARD OF PUPILS.**

#### **General Provisions.**

**SEC. 1269. Duties of directors.** The board of school directors shall, subject to the approval of the superintendent, have charge of and regulate the transportation and board of pupils in the schools under its charge, and contracts therefor shall be made by it.

**SEC. 1270. When furnished; compensation.** Every legal pupil required to attend an elementary school, or required to pursue the first two years of the junior or senior high school course, who resides at least one and a half miles from the school he is required to attend, may be furnished with transportation to such school, whenever feasible, and, if not feasible, such pupil shall be furnished with board whenever necessary to afford him an opportunity to attend school. The state shall pay on account of such board not to exceed one dollar per week per pupil, and town shall pay the remainder.

**SEC. 1271. Compensation, when.** The expense for such transportation shall be paid by the state in all town districts whose grand list does not exceed five thousand dollars; and in town districts having a grand list in excess of five thousand dollars, the state and the town district shall bear such expense in the ratio five thousand bears to the grand list of such district. Provided, however, that a town district shall not receive from the state an average of more than twenty dollars a year for each pupil so transported.

**SEC. 1272. Same.** The board of school directors may cause transportation to be furnished to a pupil residing less than a mile and a half from the school he is required to attend, if the exigencies of the case require, but in all such cases the expenses thereof shall be paid by the town district.

**SEC. 1273. Appeal to commissioner.** Any interested person or taxpayer who is dissatisfied with the decision of the board of school directors as to transportation or board of a pupil, may appeal to the commissioner of education, who shall determine the matter and his decision shall be final. The board of school directors shall, on complaint of any interested person or taxpayer as to the character of any person employed to transport pupils, hear the complaint and decide the matter, and thereupon, if such person or taxpayer is dissatisfied with such decision, an appeal may be taken to the commissioner of education, who shall determine the matter and his decision shall be final.

**SEC. 1274. Reports as to transportation.** The superintendent shall include in his annual report to the board of school directors of each town district, a report as to the pupils of such district who have been transported or boarded under the provisions of this chapter, and the expense thereof. Said superintendent shall annually, at a time which shall be fixed by the state board of education, make a report to said board as to all pupils transported or boarded under the provisions of this chapter, and the expense thereof.

## CHAPTER 60.

### INSTRUCTION FOR ADVANCED PUPILS IN SECONDARY SCHOOLS.

#### High Schools and Academies.

**SEC. 1275. Duties of town school districts; payment of tuition.** Each town district shall maintain a high school or furnish higher instruction, as hereinafter provided, for its advanced pupils at a high school or academy to be selected by the parents or guardian of the pupil, within or without the state; and

each town district shall, except as hereinafter provided, pay the tuition of such pupils to an amount not to exceed sixty dollars per school year per pupil, unless a town district votes to pay a higher rate of tuition. An interested person may appeal to the state board of education from the action of the board of school directors in regard to the tuition to be paid for advanced instruction, and its decision shall be final. A person shall not be deprived of such instruction by reason of age.

**SEC. 1276. High school, defined.** The words "high school" as used in the preceding section shall mean a school offering instruction to pupils who have completed the elementary school course or the first two years of a junior or senior high school course; and the state board of education shall, subject to the provisions of this title relating to junior and senior high schools, determine the classification and standard of high schools and academies and may make regulations governing recitation periods and fix the minimum amount of apparatus in a high school or academy. A school shall not be considered a high school within the meaning of this title which is not approved by the state board of education.

**No. 60, Acts of 1921. Tuition of agricultural students at Lyndon Institute.**

Section 1. The state board of education is hereby authorized to pay out of funds available under division VII of section thirteen hundred and seventy-one of the General Laws tuition charges for students who may apply for instruction in the agricultural department of Lyndon Institute, provided said students shall be qualified for admission as provided in sections twelve hundred and seventy-nine and twelve hundred and eighty of the General Laws, and provided further that the organization and courses of study of said agricultural department of Lyndon Institute shall have been duly approved by the state board of education.

**Courses of Instruction.**

**SEC. 1277. Subjects taught; teachers.** The course of instruction in high schools, other than junior and senior high schools, shall begin immediately at the completion of the elementary school course. In high schools, other than junior and senior high schools and in such high schools if prescribed by the state board of education, instruction shall be given in English language and literature, higher mathematics, history and natural sciences; and instruction may be given in ancient and modern languages, political, social, moral and domestic sciences, agricultural and commercial subjects, music, physical culture and the fine and mechanical arts. The courses and subjects of study for all high

schools shall be approved by the state board of education, subject to the provisions in respect to junior and senior high schools hereinafter provided, and the schools in each class and grade shall conform to the courses and subjects so approved for that class and grade. Every high school shall be considered a single school for which a single register shall be kept. All high schools shall be taught by a teacher or teachers of competent ability, good morals and legal certifications. An educational institution legally incorporated and providing instruction equivalent to that of a high school of any class shall be an academy.

**SEC. 1278. Manual training; domestic economy; agriculture.** A town district maintaining a high school, other than a junior or senior high school, having a four-year course as prescribed by the state board of education, may provide for and maintain courses or departments in manual training, domestic economy or agriculture with special instructors therefor, and if such courses or departments have been submitted to and approved by the state board of education, and if not less than six hundred dollars has been paid in salaries for instruction in any of such courses or departments in a school year, the chairman of the board of school directors of such district shall make return under oath, to the state board of education of the amount so paid for salaries; and the auditor of accounts, on certificate of the state board of education, shall draw an order for two hundred dollars for each course or department so maintained. The approval by the state board of education of such a course or department shall stand until withdrawn by a notice in writing to the chairman of such board of directors. Such two hundred dollars shall not, however, be paid on account of courses or departments in a high school if the district in which such high school is located receives aid from the state or the United States in compliance with the provisions of an act, entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate moneys and regulate its expenditure," approved February twenty-third, nineteen hundred and seventeen.\*

#### **Qualifications of Pupils for Advanced Instruction.**

**SEC. 1279. Certificate.** A pupil who has, under such regulations as the state board of education shall prescribe, satisfactorily completed the work of the elementary school course, or the first six years of such course, or the rural school course, shall be entitled to a certificate from the superintendent, which

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\*See Chap. 62:

certificate shall specify the course or part of the course so completed by such pupil. A pupil who receives such certificate at the completion of the elementary school course shall, upon presenting the same, be permitted to enter and become enrolled as a student in the first year of a high school or academy as provided by law, or in case of the completion of the rural school course or the first six years of the elementary school course, in the first year of a junior or senior high school as provided by law.

**SEC. 1280. Certificate from outside district.** A pupil who holds a certificate showing that he has satisfactorily completed the elementary school course or the rural school course in a district other than that of his residence shall be entitled to enter and become enrolled as a student in a high school offering a four-year course, except a junior high school, or in a senior high school, as the case may be, according to his qualifications, maintained in such district, and shall be entitled to the payment of his tuition by the district of his residence for the course he pursues in such high school; provided, however, that he shall not be entitled to have his tuition paid for the first two years of a senior high school course unless the district of his residence so arranges as hereinafter provided.

**SEC. 1281. Qualifications.** If a pupil is not entitled to enter a high school as provided by this chapter by reason of not having attended the elementary schools of this state, and desires to enter a high school, the superintendent of the district in which such high school is located, shall, subject to such regulations as said board shall prescribe, determine the qualifications of such pupil to enter such high school.

#### **Liability of Districts for Tuition.**

**SEC. 1282. Certificate or examination necessary.** A town district shall not pay the tuition of a pupil for the first year of a four-year course in a high school or academy, other than a junior or senior high school, unless such pupil has received a certificate for completing the elementary school course as provided by section one thousand two hundred and seventy-nine or has passed such examinations as shall be prescribed by the state board of education.

**SEC. 1283. Certificate.** A town district shall not pay the tuition of a pupil for the third year in a junior or senior high school unless such pupil has received a certificate from the superintendent of the school last attended by such pupil, stating that such pupil has satisfactorily completed the elementary school course or the first two years of the junior or senior high school course.

**SEC. 1284. Qualifications for payment of tuition in advanced courses.** A pupil who has completed without conditions the first year of a four-year course in a high school in a district other than of his residence, or in an academy in a district

other than of his residence, as provided by this title, or a pupil who has completed without conditions the third year in a junior or senior high school in a district other than of his residence, shall be entitled to payment of his tuition by the district of his residence, and without examination, for three additional years in a high school or high schools offering advanced instruction.

**SEC. 1285. District to pay tuition only in approved schools.** A town district shall not pay the tuition of a pupil receiving advanced instruction except to a high school or academy approved by the state board of education.

**SEC. 1286. Tuition to be paid to academy in student's town, when; exceptions.** In a town district not maintaining a high school offering a four-year course as prescribed by the state board of education but having therein an academy offering such a four-year course, tuition for advanced instruction shall be paid to such academy only, unless applicants for such advanced instruction can be better accommodated in approved high schools or academies nearer their homes; but any such applicant who is dissatisfied with the kind of instruction provided in such academy or cannot obtain the kind or course of instruction desired, may appeal to the state board of education and its decision shall be final in regard to the institution such applicant may attend. An academy shall not be regarded as the public high school of a town district except upon the approval of said board.

**SEC. 1287. Book rent.** In case the school board of a town district maintaining a high school or the board of trustees of an academy do not charge tuition, but charge book rent in lieu thereof, such book rent shall be paid by a district not maintaining a high school and which has resident students in attendance upon such high school or academy, and the district paying such book rent shall be entitled to rebate from the state in the same manner and under the same provisions as is provided for districts paying for advanced instruction.

#### **State Aid for Advanced Instruction.**

**SEC. 1288. Rebate from state to town district; classification.** Each town district maintaining a high school under the provisions of this title or paying tuition for higher instruction in an approved high school or academy, shall receive from the state a rebate for such higher instruction upon the following basis: town districts having a grand list of five thousand dollars or less shall receive twenty-five dollars per pupil per school year, those having a grand list of more than five thousand dollars and not more than seven thousand dollars shall receive twenty dollars per pupil per school year, those having a grand list of more than seven thousand dollars and not more than ten thousand dollars shall receive fifteen dollars per pupil per school year, those having a grand list of more than ten thousand dollars and not more

than fifteen thousand dollars shall receive ten dollars per pupil per school year, but those having a grand list of more than fifteen thousand dollars shall receive no rebate; provided, however, that rebate shall not be allowed for pupils attending the first and second year of a junior or senior high school.

**SEC. 1289. Certificate to auditor of accounts.** The school directors of each town district shall annually, in July, certify under oath to the auditor of accounts in such form as said auditor directs, the number of pupils who have been furnished with such higher instruction, and said auditor shall thereupon draw an order in favor of each town district for the amount due therefor.

### Transportation of Advanced Pupils.

**SEC. 1290. When furnished.** A town district may, by a majority vote of its voters present and voting at a meeting, authorize its school directors to pay a reasonable sum for the transportation of its pupils attending a high school other than a junior or senior high school, or attending the last two years of a junior high school or the last four years of a senior high school, but such payments are not to be considered in the distribution of funds as provided by section one thousand two hundred and seventy-one.

### Grammar School Lands.

**SEC. 1291. Directors to have control, when; application of income.** The board of school directors or prudential committee of a school district within which grammar school lands are located, provided the revenue of such lands has not been granted to a particular academy or grammar school or to a particular use by special act of the general assembly, shall have control and management thereof, shall have power to lease the same on the expiration of existing leases and to collect and disburse all revenues arising therefrom. If in any school district in which lands are located a high school or an academy, approved by the state board of education, is maintained by a town or incorporated school district, the revenues arising from such lands shall be used in the maintenance of such high school or academy; but if such a high school or academy is not maintained by the district, the revenues arising from such lands shall be used in the payment of the tuition of resident students pursuing advanced instruction in other districts. All funds that have accumulated in the hands of trustees from grammar school lands located within a town or incorporated school district shall be paid over to the board of school directors or prudential committee, as the case may be, to invest and control, for which bonds satisfactory to the selectmen shall be given, and the income from such investments shall be used in the same manner as the revenues of the grammar school lands herein mentioned.

## CHAPTER 61.

### JUNIOR AND SENIOR HIGH SCHOOLS.

**SEC. 1292. Classification by board of education.** The state board of education may, with the approval of the school directors in the town district concerned, divide the secondary schools of the state, now existing or hereafter to be established, into two classes:

- I. Junior high schools, having a four-year course; and
- II. Senior high schools, having a six-year course.

#### Junior High Schools.

**SEC. 1293. When maintained.** A junior high school may be maintained in a town district, unless by arrangement an academy in such district is in effect made the public school thereof, where the number of qualified pupils to be conveniently accommodated reasonably warrants it.

**SEC. 1294. Courses of study.** Junior high schools shall have a four-year course, flexible in character, designed for the instruction of pupils who have completed the rural school course or the first six years of the elementary school course, and suitable to the number and needs of local pupils; and the state board of education shall arrange for a course of study, including vocational opportunities, appropriate to the needs of the pupils in the several communities. In a town district where a junior high school is established, said board shall make the necessary readjustment of the course of study in the elementary schools.

#### Senior High Schools.

**SEC. 1295. When maintained.** Whenever necessity requires and the school directors approve, there may be as many central and readily accessible senior high schools, articulating directly with all neighboring junior high schools, as the number of pupils desiring the advanced instruction given only in this class of schools reasonably demands. The number and location of such schools and the regions to be served thereby, shall be determined by the state board of education, and said board may designate an academy as a senior high school.

**SEC. 1296. Courses of study.** Senior high schools shall have:

- I. A four-year junior course of study as in junior high schools; and
- II. A two-year senior course of study in advance of such junior course, appropriate to youth between seventeen and nineteen years of age, who are fitting for college or are completing a course of general education or are seeking advanced vocational education.

#### Instruction Outside District.

**SEC. 1297. May be furnished, when.** The board of school directors of a town district not maintaining a junior or senior high school, or in which there is not an approved academy

as provided by the second and fourth preceding sections, may, subject to the approval of the state board of education, arrange for the first two years' instruction of its junior and senior high school pupils, or either, outside the district.

#### Vocational Courses.

**SEC. 1298. To be maintained; courses; requirements for admission.** Junior and senior high schools shall include within their courses of study, in accordance with such directions and regulations as to courses, teachers and equipment as the state board of education through the commissioner of education may prescribe, vocational courses in one or more of the following subjects: agriculture, manual arts, commercial subjects or domestic science, appropriate to the needs and environment of the particular school and for pupils between the ages of twelve and sixteen years. In the senior high schools, such course or courses shall be maintained in connection with the four-year junior course. In connection with the two-year senior course of a senior high school, there shall be maintained advanced vocational courses in the above mentioned subjects, appropriate for pupils qualified for admission thereto. Said board shall prescribe the requirements for admission to the vocational courses and shall supervise such courses and, for vocational courses in senior high schools, shall appoint the teachers therefor.

#### Expenses and Appropriation.

**SEC. 1299. Borne by districts; reimbursement by state.** The expense of maintaining vocational courses in junior high schools shall be borne by the districts in which such schools are respectively located; and the state board of education shall annually, from the funds hereinafter provided, apportion such sum to reimburse such districts for such expense as will tend fairly to equalize the facilities afforded by such courses and the burden of maintaining the same.

**SEC. 1300. Vocational courses; expense apportioned.** The expense of maintaining vocational courses in senior high schools shall annually be apportioned by the state board of education between the state and the town districts served by such schools, and among such districts in such manner as will tend fairly to equalize the facilities offered by such courses and the burden of maintaining the same.

**SEC. 1301. Land provided by state.** The state board of education may provide for use in connection with such schools such land as may be required for suitable instruction in gardening and other appropriate study in agriculture.

**SEC. 1302. Funds available; how used.** Five thousand dollars of the moneys annually available for the use of the board of education shall be used for the purpose of carrying out the provisions of the three preceding sections. Any unexpended balance of such moneys shall every year be paid into the permanent school fund.

## CHAPTER 61A.

### Unorganized Towns and Gores.

**SEC. 1303. Supervisors' duties.** Supervisors for unorganized towns and gores shall perform all the duties, have all the authority and be subject to all the liabilities of school directors and truant officers, as to all matters pertaining to schools in their respective unorganized towns or gores.

## CHAPTER 62.

### FEDERAL AID FOR VOCATIONAL EDUCATION.

**SEC. 1304. State board, powers of.** The board within this state to cooperate with the federal board of vocational education shall be the state board of education. Said board shall have all necessary power to cooperate with said federal board in the administration of an act of Congress, entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of vocational subjects," approved February twenty-third, nineteen hundred and seventeen.

**SEC. 1305. Custodian of funds.** The state treasurer is hereby designated as custodian, for the purposes of said act, to receive and provide for the proper custody of moneys paid to the state from the appropriations of the federal government for vocational education.

## CHAPTER 63.

### REGISTERS AND RETURNS.

#### Registers.

**SEC. 1306. Form; prescribed by whom.** The commissioner of education shall, with the approval of the state board of education, prescribe and procure blank forms for a school register for keeping a record of the daily attendance of pupils and containing printed forms of teachers' contracts, and interrogatories for procuring statistical and other information from teachers and school officers.

**SEC. 1307. Transmitted to superintendents; delivered to teachers.** Said commissioner shall annually, in the month of June, transmit to each superintendent a sufficient number of

such registers to supply the needs of the schools under his supervision. Said superintendent shall thereupon assign a register to each school and the same shall be the register for such school for the following school year; and, within ten days before the opening of each term of school, said superintendent shall deliver the assigned register to the teacher of the school.

**SEC. 1308. Teacher's duties.** The teacher to whom a register is delivered, shall keep therein, in the prescribed form, a record of the daily attendance of each pupil, enter therein correct answers to the interrogatories addressed to teachers, and shall deliver such register to the superintendent at the end of each term.

**SEC. 1309. Examinations by superintendent; correctness certified; salary withheld, when.** The superintendent shall, at the end of each term, examine the register of each school, and, if it is properly filled out and certified by the teacher, he shall give written notice thereof to the chairman of the board of school directors. An order shall not be drawn for the payment of the salary of a teacher for the month next preceding the close of the term, unless such notice is received.

**SEC. 1310. Superintendent's duties.** Said superintendent shall enter in each register correct answers to the interrogatories addressed to him, the name of the teacher or teachers of the school during the year for which the register was kept and the date and character of the certificate held by the teacher or teachers, and shall certify to the correctness of such entries. Said superintendent shall, on or before the third day of July, file each register so completed in the office of the town clerk of the town in which such school is maintained.

#### Returns.

**SEC. 1311. Town clerk's duties.** Each town clerk shall annually, on or before the tenth day of July, and at such other times as the commissioner of education directs, make out and return to him such statistics as he requires, and said commissioner shall receipt therefor. Such statistics shall be made out upon blanks which said commissioner shall furnish.

**SEC. 1312. Compensation.** Each town clerk shall, upon presentation of such receipt from said commissioner, receive from the town treasurer three cents for each legal pupil in the town and the same shall be paid out of the general funds of the town; but such compensation shall not be more than twenty dollars nor less than three dollars.

## CHAPTER 64.

### MEDICAL INSPECTION.

**SEC. 1313. Medical inspector appointed, when.** The board of school directors shall appoint one or more medical inspectors for the schools in the town district, provided the legal voters of such district, at the annual town meeting, instruct said directors so to do. The compensation of such inspectors shall be fixed by said board and paid by such district.

### No. 56, Acts of 1921.

Section 1. In a town which, pursuant to the provisions of section one thousand three hundred and thirteen of the General Laws, has voted, or shall vote to have medical inspection of schools, it shall not be necessary to thereafter annually vote upon the question, but such inspection shall be continued until the town, at any regular or special meeting duly warned for that purpose, votes to discontinue such inspection.

**SEC. 1314. Duties of inspectors.** Said inspectors shall examine the pupils of such schools and comply with all rules and regulations which shall be prescribed by the state board of health relating thereto.

**SEC. 1315. Same.** Said inspectors shall, under such rules and regulations, examine the pupils of any private school located in such district, when requested so to do by the principal thereof, or when any communicable disease is present in such district, or when the pupils thereof may have been exposed to any such disease.

**SEC. 1316. Pupil examined by physician, when.** If a person having control of a pupil desires that such pupil shall be examined by a physician instead of by a medical inspector, such privilege shall be granted on written demand made to said board; and such examination shall, when so made and certified to by such physician, be in lieu of that made by an inspector, but such examination shall be without expense to such district.

**SEC. 1317. Medical inspector defined.** The words "medical inspector" as used in this chapter shall mean either a licensed physician or a trained nurse.

## CHAPTER 65.

### TESTING SIGHT AND HEARING.

**SEC. 1318. Equipment furnished.** The state board of health and the commissioner of education shall prepare suitable test cards, blanks, record books and other needed apparatus to

be used in testing the sight and hearing of pupils in the public schools, and the necessary instructions for their use. Said commissioner shall furnish the same free of charge to every public school.

**SEC. 1319. Superintendent's and teachers' duties.** The superintendent shall, in the month of September of every even year, cause the teachers of the schools under his supervision, to test the sight and hearing of every pupil seven years of age and older in such schools, to keep a record of such tests according to the instructions furnished, notify in writing the person having control of a pupil who is found to have a defect of vision or hearing or a disease of the eyes or ears, with a brief statement of such defect or disease, and to report the result of such test to said superintendent, who shall report such results to the commissioner of education. Said superintendent shall also cause said teachers to test the sight and hearing of pupils becoming seven years of age, and at any time, the sight and hearing of any pupil apparently defective; and records, notices and reports of such tests shall be made as herein provided.

**SEC. 1320. Appropriation.** The auditor of accounts shall draw an order for such sums and at such times as said commissioner, with the approval of the state board of health, may require to carry out the provisions of this chapter, but the total amount so drawn shall not exceed six hundred dollars in any biennial period.

**SEC. 1321. Duties of medical inspector.** The duties required of teachers under the provisions of this chapter shall, in a district having a medical inspector as provided by section one thousand three hundred and thirteen, be performed by said inspector.

## CHAPTER 66.

### FIRE DRILLS.

**SEC. 1322. Duties of principal or person in charge.** The principal or person in charge of a public or private school or educational institution, other than a university or college, shall drill the pupils so that they may be able to leave the school building in the shortest possible time and without panic or confusion. Such drills shall be held at least once in each month, when such school or institution is in session.

**SEC. 1323. Penalty.** A principal or person in charge of such a school or institution who wilfully neglects to comply with the provisions of the preceding section shall be fined not more than twenty dollars.

**SEC. 1324. This chapter printed in registers.** This chapter shall be printed in every register supplied for use in the

public schools and in such manuals or handbooks as may be prepared for the guidance of teachers in a school or institution subject to the provisions of this chapter.

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## PART IV.

### SCHOOL PROPERTY AND EQUIPMENT.

CHAPTER 67.—School buildings and equipment.

CHAPTER 68.—Taking land for school purposes.

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### CHAPTER 67.

#### SCHOOL BUILDINGS AND EQUIPMENT.

##### School Buildings.

**SEC. 1325. Duties of town district.** Each town district shall provide, furnish, maintain and control schoolhouses suitable for schools under the provisions of this title. The board of school directors shall, when so authorized by the town district, have power to lease or purchase buildings or sites for schoolhouses, locate and erect schoolhouses, and sell or otherwise dispose of schoolhouses or sites for same, and for such purposes a district may raise a tax on its grand list.

**SEC. 1326. United States flag.** Said board shall cause to be erected on each school house, or on the premises belonging thereto, a suitable flagpole, and shall, while the school is in session, at such times as it directs, cause a United States flag, which shall not be lettered or marked in any way, to be displayed thereon. A person who violates a provision of this section shall be fined not more than ten dollars.

##### Equipment.

**SEC. 1327. Duties of directors.** Said board shall select and provide all textbooks, appliances and supplies required for use in the elementary schools and for pupils taking the first two years of the junior or senior high school course, in the town district; and the same shall be paid for by such district. The selection of such textbooks, appliances and supplies shall be subject to the approval of the superintendent of the schools of such district. Said board shall provide non-resident pupils attending such schools with the necessary textbooks, appliances and supplies under such regulations as the state board of education shall pre-

scribe. Said board of directors shall make such rules and regulations as it deems proper for care and custody of textbooks, appliances and supplies provided by it.

**SEC. 1328. Liability for damage of person having control of pupil.** The person having the control of a pupil shall be liable to the town district for damage occasioned by the loss, destruction or unnecessary injury or detention by such pupil of a textbook or appliance loaned such pupil, to be recovered in an action of tort, on this statute, in the name of such district.

**SEC. 1329. No gratuity or compensation; penalty.** A member of the state board of education, the commissioner of education, a superintendent, a principal or teacher in a public school, or any person officially connected with the direction of such a school, shall not, directly or indirectly, receive any gratuity or compensation for recommending or procuring the adoption or purchase of such a textbook, appliance or supply. A person who violates a provision of this section shall be fined not more than one hundred dollars nor less than twenty-five dollars.

## CHAPTER 68.

### TAKING LAND FOR SCHOOL PURPOSES.

#### Condemnation.

**SEC. 1330. Procedure.** When the location of a schoolhouse is determined and land for such schoolhouse and grounds in connection therewith are necessary, or when a town district, an incorporated academy or other institution doing secondary school work as contemplated in section 1276 not operated for private gain, or an incorporated school district votes to purchase additional lands as necessary for agricultural experimenting, athletic or other school purposes, or votes to procure the right to lay and maintain aqueducts and pipes across the land of any person when the public good and necessity require a new or additional supply of water for use of a schoolhouse, if the owner refuses to convey the same to such district or incorporated academy for a reasonable price, the selectmen of the town, or the selectmen of a town adjoining an unorganized town or gore in which such location has been determined, shall, on the application of the board of school directors or prudential committee, or clerk of said incorporated academy, as the case may be, set out the necessary land or rights and cause the same to be surveyed, and thereupon the same proceedings shall be had as provided by sections four thousand one hundred and sixty to four thousand one hundred and sixty-six, both inclusive, for taking lands for town purposes, and the provisions of such sections shall apply to a school district or incorporated academy desiring to take lands or to procure

rights for the purposes aforesaid; provided, however, that said board of school directors or prudential committee or the trustees or governing officers of said academy shall have the power in lieu of the selectmen to refer the question of damages as provided in section four thousand one hundred and sixty-three; and, provided, further, that all notices and petitions shall be served on the clerk of such district or the clerk of such academy in lieu of on the town clerk as provided in such sections. When the damages finally awarded for lands or rights so taken are paid by such district or academy to the person entitled thereto, title to such lands or rights shall vest in the district or academy for the purposes aforesaid.

No. 102, Acts of 1921. **Building Committee.** A town or a town school district at any regular or special meeting called for that purpose, may vote to place the construction of a building to be erected for public purposes under the general supervision and control of a building committee.

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## PART V.

### FINANCIAL SUPPORT OF SCHOOLS.

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## CHAPTER 69.

### SCHOOL TAXES AND FUNDS.

**SEC. 1331. Grand list.** The grand list of a town district shall consist of one per cent of the appraised value of the real and personal estate taxable therein, added to the taxable polls therein.

**SEC. 1332. School tax to be voted specifically; rate.** Each town district shall, at each annual town district meeting, vote such sum of money as it deems necessary for the support of schools therein and shall express in its vote the specific sum or rate per cent on a dollar of its grand list. The sum so voted shall not be less than seventy-five cents on a dollar of its grand list, and a district raising a less sum shall not be entitled to any moneys apportioned by the state board of education except aid for supervision.

**SEC. 1333. Duties of town treasurer.** The town treasurer shall, by virtue of his office, be the treasurer of the town district and shall keep a separate account of the moneys appropriated or given for the use of the schools of the town district, and shall pay out of such moneys orders drawn by the board of

school directors; and if he does not pay any such order on demand, the holder thereof may recover the amount from the town district, with interest from the time of such demand.

**SEC. 1334. Annual report.** Said treasurer shall report at each annual district meeting the amount of moneys received for school purposes, the source from which received and how the same has been expended.

**SEC. 1335. Superintendent's duties.** The superintendent shall ascertain whether the provisions of this chapter relating to the raising of money by the town district and the expenditure of same for the support of the schools under his charge are complied with; and, in case of non-compliance, he shall notify the state board of education.

### Town School Fund.

**SEC. 1336. Selectmen's duties.** The selectmen shall have charge of the real and personal estate appropriated to the use of the schools in the town unless otherwise provided, or unless the person giving a part thereof directs the same to be managed in some other way, and shall annually render an account to the town. Said selectmen shall lease such lands, and loan such moneys on annual or semiannual interest upon sufficient real estate or personal security in this state.

**SEC. 1337. Same.** The securities for the payment of the money so loaned and the interest thereon shall be taken in the name of the town; and the selectmen may, in the name of the town, prosecute and defend actions for the recovery or protection of the estate so intrusted to their care. If the title or possession of real estate mortgaged or deeded as security is recovered in such action, the selectmen may, in the name of the town, lease or sell and convey such real estate, and invest the moneys received therefrom as provided in the preceding section.

**SEC. 1338. Acknowledgments.** A person qualified so to do may take the acknowledgment of a deed provided for in the two preceding sections, or may sign such deed as witness, although he is an inhabitant and taxpayer of the town.

**SEC. 1339. Securities; division of income.** The securities belonging to the town school fund shall be deposited in the office of the town treasurer, to be kept by him in the fire proof safe or vault of the town, and moneys received on account of the same together with moneys received as rents of lands granted as glebes shall be paid into such treasury and a separate account thereof shall be kept on the books of the treasurer. The selectmen shall annually, on or before September first, draw an order in favor of the town district treasurer for the moneys received under the provisions of this and the third preceding section except where there is an incorporated school district within the town;

in which case, the selectmen shall divide such moneys as provided in the following section and draw orders in favor of the treasurers of the respective districts in accordance therewith.

**SEC. 1340. Division of school moneys; legal school.** If an incorporated school district, or part of such a district, exists in a town, all revenue from bequests, funds or public lands, not otherwise specifically disposed of by will, grant or act of the general assembly, but devoted to the public schools of such a town, shall annually, on or before the first day of September, be divided by the selectmen between the town district and the incorporated school district according to the number of legal schools maintained in each during the preceding school year as certified by the state board of education as herein provided, and the portion of the revenue received by each district shall be credited to the school funds of that district. The state board of education shall annually, on or before the first day of August, certify to the town clerk of each town in which there is an incorporated school district or a part of such a district, as to the number of legal schools in the town district and in the incorporated school district or part thereof during the preceding school year. For the purposes of this section, a legal school shall be one maintained for the required number of weeks, having an average attendance during such year of not less than six legal pupils, taught by a duly qualified and certificated teacher and the register of which has been kept, as provided by the provisions of this title.

**SEC. 1341. Statement.** Said selectmen shall annually, in the month of September, after they have made the division of the public money as provided in the preceding section, lodge with the town clerk a written statement of the amount so divided.

**SEC. 1342. Forfeiture.** A selectman who knowingly distributes public money to an incorporated school district not entitled thereto, shall forfeit to the town one hundred dollars to be recovered in an action of tort, on this statute.

### United States Deposit Money.

**SEC. 1343. Depository; apportionment; census.** The state treasurer shall receive moneys belonging to the United States to be deposited with this state, and give a certificate of deposit for the same according to law. Such moneys shall be apportioned to the several towns in proportion to the number of inhabitants in each. When a census is taken under the laws of Congress or of this state, a new apportionment shall be made. If upon such new apportionment, it appears that a town has more than its share, the state treasurer shall demand and recover from such town such excess; and if a town has less than its share, said treasurer shall not make up the deficiency.

**SEC. 1344. Bond; vacancy.** The trustees of public money shall, before entering upon the duties of their office, exe-

cute a bond to the town with sufficient sureties, in such sum as the selectmen direct, conditioned for the faithful performance of their duties in loaning, managing, accounting\* for and paying over, as may be required by law, the moneys placed in their charge. If a trustee fails to execute such bond, his office shall be vacant, and such vacancies may be filled as vacancies in other town offices.

**SEC. 1345. Liability of town.** If a town has received its portion of deposit money, it shall be accountable for the same when required by the state treasurer on requisition of the United States, or for the purposes of a new apportionment, as a town is accountable for state taxes.

**SEC. 1346. Duties of state treasurer.** The state treasurer, in the collection of the United States deposit money loaned by former treasurers, shall adjust and settle the same as is for the interest of the state.

### Permanent School Fund.

**SEC. 1347. How constituted; investment.** The sum of two hundred and forty thousand dollars returned by the national government to the state in settlement of the civil war claims, the Huntington fund, the school fund of eighteen hundred and twenty-five of two hundred thirty-four thousand and nine hundred dollars and forty-four cents, the United States deposit money, and such other additions as may be made to the fund hereby established, shall be held intact and in reserve in the state treasury as the permanent school fund but shall be subject to the order of the trustees of the permanent school fund for investment.

**SEC. 1348. Trustees; term of office; appointment.** The trustees of the permanent school fund shall consist of three persons. The trustees appointed in the year nineteen hundred and fifteen shall hold office for the period designated in their commissions, respectively. The governor shall biennially, in the month of January, appoint one trustee whose term of office shall be six years. The governor may remove a trustee from office.

**SEC. 1349. Organization; meetings; record.** Said trustees shall organize by the election of a chairman and a secretary, at a meeting to be held in the state capitol at two o'clock in the afternoon on the second Tuesday of February in each biennial year, or at an adjournment thereof, or at a special meeting duly called if the organization is not then completed. Vacancies in such offices may be filled at a regular meeting or at a special meeting called for that purpose. Regular meetings shall be held at such times and places as said trustees by vote determine. On the request of a trustee, the secretary shall call a special meeting by notice in writing mailed to each trustee at least three days before such meeting, but the trustees may act without notice of a special meeting when all are present. Said secretary shall keep a record

\*See Sec. 4013.

of the proceedings of the trustees, recording in detail the proceedings relating to investment, income, distribution and management of the permanent school fund.\*

**SEC. 1350. Duties of trustees.** Said trustees shall, by unanimous action, make all investments of the permanent school fund and designate depositories therefor, and shall execute all checks, orders, transfers or releases of securities, and do all things necessary for the proper management of the assets and income of such fund. Said trustees shall invest the permanent school fund in the following named securities only: United States bonds, state bonds, bonds of cities and school districts located in the United States and having a population of over twenty thousand, and bonds of towns, cities and villages in this state whose total indebtedness does not exceed five times the amount of the grand list. All purchases and sales of securities shall be made by, and all securities shall be taken in the name of, and so far as possible made payable to, the trustees of the permanent school fund and shall be deposited with the state treasurer. Said trustees may receive gifts, bequests or additions to such permanent school fund. Said trustees shall, on receipt of income from the permanent school fund, pay the same to the state treasurer, and same shall become a part of the consolidated school fund herein-after provided for.

**SEC. 1351. Compensation.** Said trustees shall not receive compensation for their services, but shall be paid their necessary expenses incurred in the performance of their duties.

**SEC. 1352. Huntington fund.** The state shall, as herein provided, pay to the trustees of the permanent school fund two hundred eleven thousand and one hundred thirty-one dollars and forty-six cents of the Huntington fund, and the same shall be added to the permanent school fund. The state treasurer shall issue to said trustees a certificate of the registered loan of the state for such amount which shall be redeemable at the treasurer's office on the first day of July, nineteen hundred and twenty-five, and on which the interest shall be six per cent per annum and payable annually on the first day of July. Such interest shall be used in the same manner as other income from the permanent school fund.

**SEC. 1353. School fund of 1825.** The state shall, as herein provided, pay to the trustees of the permanent school fund two hundred thirty-four thousand and nine hundred dollars and forty-four cents of the school fund of eighteen hundred and twenty-five, and the same shall be added to the permanent school fund. The state treasurer shall issue to said trustees a certificate of the registered loan of the state for such amount which shall be redeemable at the treasurer's office on the first day of July, nineteen hundred and twenty-five, and on which the interest shall

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\*See Sec. 4013.

be four per cent per annum and payable annually on the first day of July. Such interest shall be used in the same manner as other income from the permanent school fund.

**SEC. 1354. United States deposit money.** All United States deposit money held in the state treasury and all that comes into such treasury shall be held in the treasury as a part of the permanent school fund.

**SEC. 1355. Loan to towns; rate of interest; collection.** United States deposit money apportioned and loaned to a town prior to December fifteenth, nineteen hundred and six, may, subject to partial payment as provided in section one thousand three hundred and forty-three, be loaned annually by the trustees of public money to such town, with interest at five per cent per annum, until such time as said trustees see fit to collect the same, when it shall be paid immediately to the state.

**SEC. 1356. Income.** The income from the United States deposit money loaned as provided in the preceding section, shall annually, on or before the tenth day of June, until such loan is paid, be paid by the trustees of public money to the state treasurer, and such income shall be used in the same manner as other income from the permanent school fund.

**SEC. 1357. Forfeiture for failure to pay over income.** If said trustees of public money fail to pay the income as provided in the preceding section, the portion of the consolidated school fund otherwise payable to such town shall be forfeited to the state; and thereafter, until such town pays all sums in arrears with interest thereon at six per cent per annum, it shall forfeit each year its portion of the consolidated school fund, and such forfeitures shall be added to the principal of the permanent school fund. The state treasurer shall, on or before the tenth day of July, notify the state board of education of such forfeitures; and said board shall forthwith order the auditor of accounts to draw an order in favor of said trustees of the permanent school fund for an amount equal to such town's portion of the consolidated school fund, and shall annually, until said board is notified that the town has made up its arrears as herein provided, order said auditor to draw an order in favor of said trustees of the permanent school fund for an amount equal to such town's portion of the consolidated school fund otherwise payable that year. Such orders shall be paid out of the consolidated school fund. If a town pays its arrears as herein provided, said treasurer shall so notify said board of education, and thereafter such town shall be entitled to its portion of the consolidated school fund.

**SEC. 1358. Liability of trustees.** The trustees of the permanent school fund shall be accountable for such part of the United States deposit money as is held by them, when required by the state treasurer on requisition of the United States.

**SEC. 1359. Reports.** Said trustees shall present to the general assembly, on the first day of each biennial session, a report of their official acts. Such report shall show, as of the thirtieth day of June preceding, the amount and condition of the permanent school fund and the securities in which it is invested.

**SEC. 1360. Audit of trustees' account; report.** The auditor of accounts and bank commissioner shall annually, on or before the thirtieth day of June, audit the accounts of the trustees of the permanent school fund and the accounts of the state treasurer in connection with such fund, examine the securities on hand and certify to the correctness of their transactions and the condition of such fund, and such certificates shall be included in the report of said trustees and in the report of the state treasurer.

**SEC. 1361. Powers to receive, hold and invest gifts, bequests, etc.** The trustees of the permanent school fund are empowered and directed to receive, hold and invest any fund that may be given to them by deed of gift, bequest or otherwise for the following purposes:

I. For general educational purposes;

II. For special purposes of educational support through scholarships;

III. For the physical care or welfare of children or school pupils described in such bequest or deed of gift.

Such fund may be for the benefit of:

A. Some particular class or classes of children or pupils;

B. The state at large, or for given localities selected in the deed of gift or bequest or to be thereafter selected.

**SEC. 1362. How held.** Such funds shall be received, invested and administered in accordance with the terms of the gift or bequest, and if such terms do not specify the manner of investing such fund, the funds shall be invested subject to the provisions relating to investing the permanent school fund. The securities and income arising from such gifts and bequests shall be held by the state treasurer in the manner that the securities and income of the permanent school fund are held by him.

**SEC. 1363. To be approved by board of education.** Said trustees shall not receive in trust any fund until the state board of education certifies to them that in its judgment the use specified for such gift is for the public interest.

**SEC. 1364. Transfer funds.** Said trustees shall, from time to time, transfer portions of such fund or the income thereof, to the state board of education to be expended by it; or said trustees may make such transfers to persons certified to them by said board.

**SEC. 1365. General supervision by board of education.** The state board of education shall supervise the use of funds so given or bequeathed. In the event of a breach of trust in the use of such gifts or bequests, said board shall take the necessary steps

to have the terms of the gift or bequest complied with. Said board shall, in the exercise of its duties of supervision, have power to investigate the use of such funds and for that purpose may require the production of accounts, books and vouchers showing the disbursement thereof.

### State School Tax.

**SEC. 1366. Rate.** A tax of ten cents on the dollar is hereby annually assessed upon the grand list, exclusive of unorganized towns and gores, for the support of public schools.

**SEC. 1367. Apportionment; notice.** The state treasurer shall apportion such tax to the several towns according to their respective grand lists as shown by the list prepared annually by the commissioner of taxes from the abstracts of the grand lists of such towns, and shall annually, on or before the first day of September, make out and transmit to each town treasurer a notice of the amount so apportioned such town and that the same must be paid into the state treasury on or before the first day of October following.

**SEC. 1368. Duties of town treasurer and selectmen.** The treasurer shall, upon receipt of such notice, transmit the same to the selectmen or mayor, who shall draw an order on the town or city treasurer for the amount of such tax, and said treasurer shall pay the same into the state treasury out of any money belonging to the town or city. If the funds in the hands of said treasurer are not sufficient to pay such amount, the selectmen or mayor shall borrow the necessary amount upon orders.

### Consolidated School Fund.

**SEC. 1369. How constituted.** The income of the permanent school fund, receipts from the state school tax, and moneys annually available for educational purposes and the moneys covered into the state treasury on account of taxes and fees received for the licensing of peddlers, auctioneers, circuses and menageries shall constitute the consolidated school fund.

**SEC. 1370. Same; apportionment.** Such consolidated school fund shall be apportioned annually by the state board of education for the purposes specified in the following section; provided, however, if the amount specified for any particular purpose is more than is required therefor, the excess shall be added to the fund apportioned for that year for the purpose of equalizing educational opportunities and advantages; and provided further that if the amount so specified is less than is required therefor, said board may, in its discretion, use for that purpose such portion of such equalizing fund as may be necessary.

**SEC. 1371. Same; detail.** Such consolidated school fund shall, subject to the provisions of the preceding section and under regulations which shall be made by said board, be apportioned as follows:

I. For general administration and office purposes of the state board of education, including the per diem and expenses of members, clerical assistance and salaries and expenses of the executive officers of the board, twenty-four thousand dollars;

II. For the salaries and expenses of superintendents, one hundred and ten thousand dollars;

III. For the training of teachers, one hundred thousand dollars, provided that if the amount herein specified is more than is required in any year therefor the excess shall be added to the fund apportioned for this purpose for the following year.

IV. For summer schools, educational meetings and like supplementary activities, twenty-five hundred dollars;

V. For the transportation and board of pupils, one hundred thousand dollars;

VI. For the partial payment of the salaries of teachers of rural schools, as provided by section one thousand two hundred and eight, one hundred and ten thousand dollars;

VII. For advanced instruction under sections one thousand two hundred and eighty-eight and one thousand three hundred and seventy-four, sixty-five thousand dollars;

VIII. For junior and senior high schools under chapter sixty-one, ten thousand dollars;

IX. Repealed.

X. For vocational courses as provided by section one thousand two hundred and seventy-eight, five thousand dollars;

XI. For agricultural education under an act of Congress, entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate moneys and regulate its expenditure," approved February twenty-third, nineteen hundred and seventeen, five thousand dollars;

XII. For domestic science and trade education under an act of Congress, entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate moneys and regulate its expenditure," approved February twenty-third, nineteen hundred and seventeen, five thousand dollars;

XIII. For boys' and girls' agricultural and industrial expositions, fifteen hundred dollars;

XIV. The balance of such fund for the purpose of aiding elementary schools in rural communities and for the purpose of equalizing educational opportunities and advantages.

**SEC. 1372. Payment.** The auditor of accounts shall draw orders to such persons and for such amounts as said board shall direct, and such orders shall be drawn on such fund and shall not exceed during any school year the amount of such fund for that year.

**SEC. 1373. Excess payment, how recovered.** If it becomes evident to the auditor of accounts or the state board of education that, in the apportionment or distribution of state aid for any school year, a district has received more than such district was legally entitled to receive, the amount of such excess shall be deducted from such district's apportionment in the following school year and be covered into and become a part of the permanent school fund.

No. 57, Acts of 1921. **Equipment for school lunches.** Section 1. The state board of education is hereby authorized to reimburse towns, incorporated school districts and cities to an amount not to exceed fifty per cent of the amount expended by a town, incorporated school district or city in installing equipment and facilities for furnishing lunches to the pupils of public schools when so ordered by a vote of the school directors. The school directors may make such rules and regulations as are necessary to carry out the provisions of this act.

**SEC. 2.** The auditor of accounts shall issue his warrant in favor of any town, incorporated school district or city upon presentation of proper vouchers, to reimburse it for any expense incurred by it under the provisions of this act.

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## PART VI.

### INCORPORATED SCHOOL DISTRICTS.

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## CHAPTER 70.

### INCORPORATED SCHOOL DISTRICTS.

#### Application of Laws.

**SEC. 1374. General provisions.** The provisions of this title relating to the administration and maintenance of public schools, school meetings and voting therein, to grand lists, to the raising and expending of school moneys, to moneys appor-

tioned by the state board of education, to sharing in other state aid, to the election, appointment, powers, duties and liabilities of school officers, to elementary and higher instruction, to transportation, board and attendance of pupils, to truancy and truancy officers, to furnishing of textbooks and appliances, to medical inspectors and to all other matters pertaining to schools in a town district, shall, unless otherwise provided, and if not inconsistent with the rights granted by their charters, apply to schools maintained, similar school officers and all matters pertaining to schools in incorporated school districts.

### **Officers.**

**SEC. 1375. Election; term of office; notice to town clerk; vacancy.** An incorporated school district shall also, at each annual meeting, elect from among the legal voters of such district a moderator, collector, treasurer, one or three auditors and may elect a clerk. All school officers shall enter upon their duties on the first day of July following their election or appointment, and said clerk shall, within ten days after his election or appointment, give notice thereof to the town clerk. A vacancy occurring in the office of clerk of an incorporated school district caused by death, resignation or otherwise shall be filled by the prudential committee within ten days after such vacancy occurs.

**SEC. 1376. Duties of officers; bonds.** The powers, duties and liabilities of the collector, treasurer, auditors, prudential committee and clerk shall be like those of a town collector, treasurer, auditors, and board of school directors and clerk of same, respectively. Said collector or treasurer shall, before entering upon his duties, give a bond to the district conditioned for the faithful performance of his duties, in such sum as may be required; and, if a collector or treasurer neglects for ten days to give a bond as required, his office shall be vacant.

**SEC. 1377. Moderator.** The moderator shall preside at district meetings; and, in his absence, a moderator pro tempore shall be chosen to preside at such meetings.

**SEC. 1378. Collector of taxes.** Said district may elect the collector of town taxes, although not an inhabitant of the district, to be collector of such district, if he will accept the office in writing, and such acceptance shall be recorded by said clerk.

**SEC. 1379. Statistical information.** The prudential committee shall cause the principals of the schools in the district to return to the commissioner of education, on or before the tenth day of July, annually, answers to the statistical inquiries which may be addressed to them by the commissioner of education.

**SEC. 1380. Vacancies.** When a vacancy occurs in the office of a district officer elected by the district, the district shall fill the vacancy at a special meeting.

**SEC. 1381. Books and papers turned over to successor; penalty.** When a district office becomes vacant by expiration of the term of office of the incumbent or otherwise, and a successor is elected or appointed, said successor shall, on demand, be entitled to receive the books and papers of such office from the last incumbent or anyone having the same in his possession. A person having such books or papers in his possession who refuses for ten days, after demand, to surrender the same to said successor shall be fined ten dollars.

### Meetings.

**SEC. 1382. Changing time of annual meeting.** A district may, if it so votes at its annual meeting on the first Tuesday in March, fix a different date for holding its annual meetings, provided such date is not earlier than May first nor later than June thirtieth, and a notice of the proposed change shall be inserted in the warning of the annual meeting upon the written request of ten legal voters of the district. Special meetings shall be warned on the application of three voters of the district.

**SEC. 1383. Warnings.** School meetings shall be warned by the clerk, or, in case of his death, absence or inability to act, by the prudential committee, by posting a notice thereof, specifying the time, place and business of the meeting, in two public places in the district, at least seven days before the time therein specified, and warnings shall be recorded before being posted.

**SEC. 1384. Same; penalty.** If a person whose duty it is to warn a school meeting neglects to do so for ten days, after application made as hereinbefore provided, he shall forfeit to the district twenty dollars for each ten days' neglect, to be recovered in an action of tort, on this statute.

**SEC. 1385. Eligibility of voters.** The moderator, clerk and members of the prudential committee shall decide all questions as to the eligibility of a person to vote in a school meeting.

**SEC. 1386. Records; certified copies; penalty.** Said clerk shall keep a record of the votes and proceedings of the school district meetings and give certified copies thereof when required. A clerk who neglects to perform this duty shall forfeit twenty dollars to the district, to be recovered in an action of tort, on this statute.

### Taxes.

**SEC. 1387. Assessment and collection.** The prudential committee shall assess a tax for the amount voted to be raised by the district and make out a rate bill for the same. A justice of the county in which such district is situated, shall, on application, make out a warrant directed to the district collector, authorizing and requiring him to levy and collect such tax within

the time limited in such warrant and pay the same to the district treasurer. Said committee shall have the same authority to enforce collection and payment of such tax as selectmen have in enforcing collection and payment of town taxes.

**SEC. 1388. Collector's duties; penalty.** A district collector shall, on the written request of one of the prudential committee, pay to the district treasurer moneys belonging to the district collected by him to that time, and submit his tax book and list to said treasurer for inspection and computation; and a collector who neglects so to do for ten days after receiving such request shall forfeit to the district one hundred dollars to be recovered in an action of tort, on this statute, and his office shall be vacant.

**SEC. 1389. Discount.** A district may, at the time of voting a tax, direct the collector to deduct a per cent fixed by the vote, from the tax of a person paying before a day fixed.

**SEC. 1390. Duties of collector.** The collector of a tax from which a deduction may be made as provided in the preceding section, shall appoint a day within the time limited, at a place within the district, when and where he will receive such tax, and shall post a notice thereof in three public places in the district and publish the same in each newspaper printed in the district, at least ten days before the time appointed, and shall attend at the time and place appointed to receive payment of such tax.

**SEC. 1391. Abatement of taxes.** The officers of the district, except the collector, shall be a board for the abatement of district taxes, and said board shall have the same power which the board for the abatement of town taxes has in the abatement of town taxes. The prudential committee, on request of the collector, shall call a meeting of said board in the month of February in each year, by posting a notice thereof in three public places in such district at least five days before such meeting.

**SEC. 1392. Execution; assessment of special tax.** When a demand is made upon a district for the payment of an execution issued against it and the district has no available funds to pay the same, the prudential committee shall forthwith assess and have collected a tax sufficient to pay such execution and the charges and twelve per cent interest, in the same manner as the tax voted by the district is assessed and collected.

### Change of Boundaries.

**SEC. 1393. Procedure.** If it appears to the prudential committee of an incorporated school district that the boundaries of such district should be changed by including new territory within the town in which such district is located, or by excluding territory that is in such district, they may insert an article, fully describing the proposed change, in the warning for a regular or special meeting of such district.

**SEC. 1394. Same.** If a majority of the voters at such meeting vote to make the proposed change in the boundaries of such district, said prudential committee shall notify the selectmen of the town in which such district is located of the change so voted to be made; whereupon said selectmen shall duly warn a meeting of the town, exclusive of such incorporated district, setting forth in the warning the vote of such district and the proposed change in its boundaries; and, if a majority of the voters at such town meeting vote to make the change, as voted by such district, such vote, together with all the proceedings regarding such change of boundaries, of both the town and district, shall be recorded in the town clerk's office, whereupon such change of boundaries shall be established.

#### **Merger of Town and Incorporated School Districts.**

**SEC. 1395. Procedure.** An incorporated school district may, by a majority vote of the legal voters present and voting at any meeting legally warned, surrender its charter as a corporation for the maintenance of public schools, or such part of its charter as pertains to the maintenance of public schools. Such surrender shall take effect not later than July first or December first following the vote so taken, and such school corporation shall cease to exist, and it shall become thereby a part of the town school district.

**SEC. 1396. Same.** A town district may, by a majority vote of the legal voters present and voting at any meeting legally warned, become a part of an incorporated district, provided the incorporated district, at a meeting legally warned, votes to accept such merger. Such merger shall take effect April first or September first following the vote so taken. When such a merger has occurred, the incorporated district shall be considered a town district in all respects pertaining to the maintenance and administration of its public schools.

**SEC. 1397. Effect of merger.** In case of a union of an incorporated district and a town district under either of the two preceding sections, each district shall settle its own business affairs and pay all its indebtedness, except for repairs and new buildings, shall deposit its records with the town clerk, and shall no longer exist except for the settlement of its own pecuniary affairs.

## PART VIII.

### STATE SCHOOLS OF AGRICULTURE.

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#### CHAPTER 72.

##### STATE SCHOOLS OF AGRICULTURE.

**SEC. 1403. How constituted; purpose.** The state school of agriculture at Randolph (and the Theodore N. Vail agricultural school and farms at Lyndon\*) shall constitute the special agricultural schools of the state for the purpose of developing the agricultural resources of the state through practical instruction in agriculture, including tillage, crop raising, gardening, orcharding, forestry, dairying, stock raising, farm management, marketing and the allied subjects of domestic science and the manual arts, and especially through vocational instruction incidental to agricultural training.

**SEC. 1404. State board of education to manage schools, etc.** The state board of education shall have the management and control of such schools and farms and shall have authority to appoint and remove, at its pleasure, superintendents, principals, teachers, experts and chemists and shall employ all necessary assistants, clerks and laborers and shall fix the wages of all persons so appointed or employed. Said board shall make regulations for the management of such schools and farms not inconsistent with law and prescribe the courses of study and methods of instruction and experiment to be followed in such schools and on such farms and shall formulate certificates to be conferred at graduation from such schools. Said board shall carry on the lands and care for the buildings belonging to such schools and farms and may sell the products of the same, and all moneys received therefor and all moneys received from other sources in connection with such schools and farms shall be covered into the state treasury by said board.

**SEC. 1405. Donations and bequests.** Said board is authorized to receive in the name of the state donations and bequests which may be given for the equipment and maintenance of such schools and farms and shall cover the same into the state treasury subject to the restrictions and limitations of such donations and bequests.

**SEC. 1406. State treasurer's duties.** All moneys covered into the state treasury under the provisions of this chapter shall be held by the state treasurer to the use of such schools and farms, and said treasurer shall receive all moneys appropriated by act of Congress extending aid to such schools and farms or like

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\*Theodore N. Vail School discontinued in 1920

schools. The auditor of accounts is hereby authorized to draw orders in favor of the state board of education for the amount of such moneys or the income and profit thereof, according to the provisions of this chapter and according to the provisions of such donations and bequests and according to provisions of acts of Congress.

**SEC. 1407. Reports.** Said board shall, in each even year, make a report to the governor of the work done during the preceding two years, the condition of such schools and farms and their needs, with a detailed statement of the financial conditions of such schools, the moneys received and from what sources, and the moneys expended and for what purposes. Such report shall be printed with the report of the commissioner of agriculture.

**SEC. 1408. Manner of drawing appropriations.** The auditor of accounts is hereby directed to draw orders, not exceeding the several amounts annually available for the use of such schools, in favor of the state board of education, upon the requisition of the superintendent of each institution respectively when approved by three members of said board.

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## PART IX.

### MENTALLY DEFECTIVE PERSONS.

CHAPTER 73.—Instruction of mentally defective persons.

CHAPTER 74.—Vermont state school for feeble-minded children.

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## CHAPTER 73.

### INSTRUCTION OF MENTALLY DEFECTIVE PERSONS.

#### Commissioner.

**SEC. 1409. Governor to be commissioner.** The governor, by virtue of his office, shall be commissioner of the deaf, dumb, blind, idiotic, feeble-minded or epileptic children of indigent parents, and, as such commissioner, shall constitute the board for their instruction.

**SEC. 1410. Report; compensation.** The governor shall report biennially to the general assembly his doings under this chapter, with an account of the expenditures, and shall receive fifty dollars annually for his services as such commissioner.

**SEC. 1411. Institutions for instruction.** The beneficiaries specified in this chapter shall be instructed in the follow-

ing institutions: the deaf and dumb at the American Asylum for the education of the deaf and dumb at Hartford, Connecticut, the Clark School for the deaf at Northampton, Massachusetts, the Mystic Oral School at Mystic, Connecticut, or the Austine Institution at Brattleboro, Vermont; the blind at the New England Institute for the instruction of the blind at Boston, Massachusetts; and the idiotic or feeble-minded children at the Massachusetts School for the Idiotic and Feeble-Minded Youth at Boston, or at such other institutions of like nature as the governor selects.

**SEC. 1412. Duties of governor.** The governor may provide for the instruction of blind, deaf and dumb children over fourteen years of age, and of blind adults, in such schools without the state as he may designate, but such schools shall be selected with a view to furnishing instruction in such trades or lines of work as will be best calculated to enable such persons to become self-supporting.

**SEC. 1413. Listers' duties.** The board of listers in a town shall ascertain and certify to the county clerk, on or before the first day of May, annually, the number of deaf and dumb persons and the number of blind and epileptic persons in such town, their ages, conditions and circumstances, and the ability of their parents to educate them, the names of all idiotic or feeble-minded children between the ages of five and fourteen years residing in such town and the pecuniary ability and circumstances of their parents or the persons bound to support them, and whether, in the opinion of said board, the persons named are proper subjects for the charity of the state, and whether they and their parents or guardians are willing that they should become beneficiaries of any of the institutions provided for the instruction of such persons.

**SEC. 1414. County clerks to make returns.** A county clerk shall annually, before the first day of June, make return to the governor of the information he receives from the several boards of listers in his county.

**SEC. 1415. Duties of governor.** The governor may designate beneficiaries, may direct the auditor of accounts to draw orders for any part of the funds available for the purposes of this chapter, may superintend and direct all concerns relating to the education of the deaf, dumb, blind, idiotic, feeble-minded or epileptic children, inhabitants of the state, and may allow all or any portion of the expense of their conveyance to and from and support in the institutions in which they are instructed, for such time as he deems proper; and he may take bonds to indemnify the state against the expenses which accrue in consequence of the sickness, clothing or transportation of a beneficiary.

**SEC. 1416. Selectmen to give bond.** The selectmen of the several towns may execute in their official capacity in behalf

of their respective towns, without a previous vote, the bond which may be required to be given by the town to indemnify the state against expenses which may accrue in consequence of the sickness, clothing or transportation of the deaf, dumb, blind, idiotic, feeble-minded or epileptic beneficiaries from such town.

**SEC. 1417. Town to defray expense of transportation; when.** When a person is designated a beneficiary, the town in which he resides shall defray the expenses of his conveyance to and from the institution in which he is to be instructed, if, in the opinion of the selectmen, his parent or guardian is not able to pay the same.

**SEC. 1418. Instruction within state.** The governor may designate one or more blind or deaf and dumb beneficiaries, under the provisions of this chapter, to be educated within this state, when, in his judgment, adequate advantages exist for proper instruction and the public good will be subserved thereby.

**SEC. 1419. Same.** The governor shall allow for the benefit of such a person, from the general funds available to carry out the provisions of this chapter, a sum equal to the amount paid for a single beneficiary at any of the institutions mentioned in the eighth preceding section; and, upon receiving a certificate from the selectmen of the town in which such person resides that a proper course of study has been pursued, he may direct the auditor of accounts to draw orders in quarterly installments in favor of the person whom he shall designate for the payment of such sum.

**SEC. 1420. Compulsory attendance.** A deaf or blind child who is within the age of a legal pupil and who is designated under the provisions of this chapter by the governor to an institution for the education of the deaf and blind in this state, shall attend such designated institution during its regular sessions for the period for which said child is designated unless said child is mentally or physically unable so to attend or has already acquired knowledge of the studies required to be taught in the elementary school course or is otherwise being furnished with the same education, provided that said child shall not be required to attend more than forty weeks in any school year.

**SEC. 1421. Penalty.** A person having control of a child who neglects or refuses to permit said child to receive instruction as provided in the preceding section, shall be fined not more than twenty-five dollars nor less than five dollars. Justices, municipal and city courts, shall have concurrent jurisdiction with the county court of offenses arising under this section, and the provisions of section one thousand two hundred and fifty-eight, relating to complaint and prosecution shall apply to this section.

**SEC. 1422. Powers of Governor.** Twenty-five hundred dollars of the moneys annually available for the benefit of the beneficiaries named in this chapter may be expended by the

governor in his discretion, for the care, education and training of such beneficiaries after they have been discharged from the institutions in which they have been kept as subjects of state charity. The governor may make contracts with any person, association or corporation for carrying out the provisions of this section, and may direct the auditor of accounts to draw orders for any part of the moneys available for the purposes of this section.

#### Austine Institution.

**SEC. 1423. Conditional appropriation.** The sum of fifty thousand dollars appropriated to the Austine Institution by virtue of section one of number seventy-four of the acts of nineteen hundred and ten is conditioned upon such corporation binding itself by a contract to the satisfaction of the governor that it will, at all times, receive, instruct and care for, at actual cost, all beneficiaries which the governor may designate to be received by such institution under the provisions of this chapter; and such appropriation is further conditioned that if such institution shall cease to exist, the real and personal estate of such corporation shall be held as security to the state for the amount of such appropriation and may be sold under the direction of the general assembly for the purpose of reimbursing the state for the amount of such appropriation, and the real estate of such corporation shall not be sold by the trustees thereof without the consent of the general assembly.

## CHAPTER 74.

### VERMONT STATE SCHOOL FOR FEEBLE-MINDED CHILDREN.

**SEC. 1424. Creation and purpose.** The Vermont state school for feeble-minded children is created and established for the care, training and education of idiotic and feeble-minded children.

#### Director of State Institutions.

**SEC. 1425. General duties.** The director of state institutions shall have the general care, control and management of such school and shall faithfully carry out its purposes and objects. Said director shall visit such school at least once each month.

**SEC. 1426. Same.** Said director shall make necessary rules and regulations for the government of such school and its inmates, not inconsistent with the provisions of this chapter, and do all necessary acts within his power to provide for the proper care, training and education of those committed to such

school. Said director shall employ and remove at his pleasure teachers, clerks, servants and employees and shall fix their pay.\* Said director shall, with such teachers, prescribe and adopt courses of instruction for the inmates of such school and prescribe and adopt means and methods for the discipline and training of such inmates, and see that undue force is not used in enforcing obedience thereto. Said director may cause such inmates to perform such amount of manual labor as he deems to be conducive to the physical, mental and moral improvement of such inmates.

**SEC. 1427. Employment of experts.** Said director may employ an expert physician or physicians of repute and professional skill and of special fitness in the treatment of such mentally defective persons as may be committed to such school, to prescribe for and treat them professionally. Said director shall fix the compensation to be paid such physicians, and the auditor of accounts is hereby authorized to draw an order to pay bills therefor as said director shall present, when certified to by said director.\*

**SEC. 1428. Power to receive gifts, etc.** Said director is empowered to receive by gift, bequest or otherwise, any money or real or personal estate, made for the use and benefit of such school, and shall invest such moneys so received in safe interest bearing securities and in the corporate name of such school.

### **Commitments.**

**SEC. 1429. Commitments from industrial school.** An inmate of the Vermont industrial school who shall be adjudged by the director of state institutions a proper subject to be committed to such school, shall be committed therein for the remainder of his term of commitment to such industrial school upon the certificate of said director, accompanied by the certificates of two physicians who are duly licensed practitioners in this state, stating that such child is a suitable and proper subject for commitment to such school.

**SEC. 1430. Commitments.** An indigent child of this state, between five and twenty-one years of age, who may be considered a proper subject within the purview of this chapter and who has no kinsmen liable and able to provide for and educate him, may be received into such school at the expense of the state under the provisions of this chapter. Any child may be received into such school upon payment of such sum and upon such terms for his care, training, education and maintenance as said director shall determine.

**SEC. 1431. Probate court; procedure.** The parent or guardian of a child mentioned in the preceding section, a member or the secretary of the board of charities and probation or the selectmen of the town in which such a child resides, or the select-

\*See Sec. 660

men of a town in which such a child resides although not indigent but considered a proper subject to be committed to such school, may make application to the judge of the probate court for the district in which such child resides, for an order of commitment of such child to such school; and thereupon such judge shall appoint a day for hearing and give ten days' notice thereof to the state's attorney and, if such application is made by said selectmen or by a member or the secretary of the board of charities and probation, give like notice to such parent or guardian if his domicile is known and, if unknown, to the person having such child in charge. At such hearing, the judge may hear any testimony he may deem proper to be submitted to him, and if, after hearing, he is of the opinion that such child ought to be committed to such school and if certificates duly sworn to by two physicians who are duly licensed practitioners in this state, stating that such child is a suitable and proper subject for commitment to such school, are filed with said judge, he shall issue an order of commitment and attach to such order a certified copy, under his official seal, of such certificates; and thereupon said child shall be committed to such school, provided there is room in same for such child. At such hearing, said judge shall determine whether such child has property or kinsmen able and liable to provide for his support, and, if he finds that there is such property or kinsmen, he shall, in his order of commitment, state his findings in respect thereto. The property and kinsmen of such child shall be subject to the support or contribution towards the support of such child in such school in the same manner that property and kinsmen are liable under the provisions of chapter one hundred and eighty-five. The state's attorney and auditor of accounts shall have the same powers and duties in respect to hearings, property and kinsmen under this section as they have in respect to persons and property under such chapter.\*

**SEC. 1432. Appeal; habeas corpus.** An order of commitment under this chapter shall be subject to appeal in the same manner, by the same persons and to the same extent that the decrees of probate court appointing guardians over persons alleged to be insane are subject to appeal; and a commitment under this chapter shall not bar habeas corpus proceedings, but the court upon habeas corpus proceedings may confirm the order of commitment whenever justice requires.

**SEC. 1433. Order of admission.** The following order shall be observed in the admission of children to such school under the provisions of this chapter:

- I. Children committed from the Vermont industrial school;
- II. Children committed by the probate court who have no property or kinsmen liable and able to provide for and educate them;

\*See Sec. 660

III. Children committed by the probate court who have property or kinsmen liable and able to provide for and educate them; and

IV. Children who may be received upon the payment of such sums and upon such terms as said director shall determine.

### **Discharge.**

**SEC. 1434. By whom and how; effect.** An inmate of such school may be discharged therefrom by the director of state institutions, or by a superior judge after proper hearing and upon an application in writing of any person considered by said judge legally interested, whenever a further detention in such school is deemed unnecessary. An inmate so discharged who was at the time of commitment to such school under sentence to such industrial school, the period of whose sentence had not then expired, shall be remanded to such industrial school and thereafter be subject to the terms of his original sentence.

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